

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

**TUESDAY, JULY 08, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:16 p.m.

Mayor Green announced Council had met in special meetings earlier today to (1) tour the Alameda County Emergency Operations Center in Dublin, and (2) conduct an interview with a candidate for a position on the Senior Commission.

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 Presentation Regarding Debut of Live and On-demand Video Streaming of City Council Session and How This New Technology Offers Greater Transparency in Government by Providing Residents with Easier and More Convenient Access to Public Meetings and Other City Business

Website Administrator Munoz presented the staff report and provided an on-line, real time presentation of the video streaming of tonight's Council meeting.

3.b Approve a Resolution Welcoming and Honoring a Delegation of Teachers and Students from the Hangzhou (China) Children & Youth Activity Center

Mayor Green read the resolution aloud and presented a *Key-To-The-City* and 50th Anniversary commemorative pins to members of the delegation.

3.c Presentation by Alameda County Transportation Authority East-West Connector Project

ACTIA Deputy Director Arthur Dao, ACTIA Project Controls Team member Stefan Garcia, and T-Y-Lin International Vice President Thomas Wintch, provided an update and overview of the East-West Connector Project, covering the following key issues:

- Traffic Circulation
- Location of Proposed Alignment
- Environmental Impacts
- Right-of-Way Impacts
- Preliminary Cost Estimates and Funding Plan

Economic and Community Development Director Leonard responded to questions from Councilmembers. Councilmembers provided comment.

IV. ORAL COMMUNICATIONS

Holly Singelton expressed an interest in, and asked questions about, moving forward with an Alameda Creek stables project. Mayor Green identified the various department staff persons who would be involved in such a project, noting Deputy City Manager Acosta would be the primary point of contact for the City.

V. CONSENT CALENDAR

Consent Calendar Item 5.i was removed from consideration.

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

- 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 June 24, 2008
- 5.c Approved Minutes for the Special Meeting and Joint Work Session of July 1, 2008
- 5.d Adopted **Resolution No. 3666-08** Declaring the Results of the Special Municipal Election held June 3, 2008
- 5.e Adopted **Resolution No. 3667-08** to modify Capital Spending Plan, award contract for purchase of replacement handguns and equipment, dispose of surplus handguns, and appropriate funding for training and equipment
- 5.f Adopted **Resolution No. 3665-08** Approving A Project List Using Proposition 1B Funds, City Project No. 08-12
- 5.g Adopted **Resolution No. 3668-08** of the City Council of the City of Union City Designating Councilmember Dutra-Vernaci as the Voting Delegate, and Councilmember Navarro as the Alternate Voting Delegate, for the League of California Cities Annual Conference September 24-27, 2008, in Long Beach
- 5.h Waived reading the full text of the ordinance and approved the second reading and adoption of **Ordinance No. 713-08** 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 (Introduced June 24, 2008); and waived reading the full text of the ordinance and approved the second reading and adoption of **Ordinance No. 714-08** 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" (Introduced June 24, 2008)

Consideration of Item 5.i Removed from the Consent Calendar

- 5.i Second Reading and Adoption of 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 disposable food service ware that uses polystyrene foam (Styrofoam) (Introduced June 24, 2008)

Councilmember Valle stated his Tri-CED Recycling Board of Directors had requested he recuse himself from consideration of this item. Councilmember Valle exited the Council Chambers at 8:48 p.m.

Letters dated July 7, 2008, were received from Ryan Kenny, Manager, State Affairs and Grassroots American Chemistry Council, and from Johnnise Foster Downs, Director, Local Government Affairs for the California Restaurant Association.

The following individuals spoke in opposition to the ordinance:

Paul Appelblom
Ryan Kenny, Manager, State Affairs and Grassroots American Chemistry Council
Johnnise Foster Downs, Director, Local Government Affairs, CA Restaurant Assoc

Staff responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Councilmember Navarro, to waive reading the full text of the ordinance and approve the second reading and adoption of 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 Disposable Food Service Ware that uses Polystyrene Foam (Styrofoam).

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

Councilmember Valle returned to the Council Chamber at 9:00 p.m.

VI. PUBLIC HEARINGS

- 6.a Adopt a Resolution Approving an Appeal Removing a Planning Commission Condition of Approval Regarding a Limitation on Signage for Use Permit, UP-06-08, That Allowed for Establishment of a Check Cashing Business at 31854 Alvarado Boulevard Within the Alvarado Plaza Shopping Center

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

Mayor Green opened the public hearing. Appellant Romel Medina spoke in favor of the appeal. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to approve the appeal and remove the condition of approval regarding the limitation on signage, and adopt **Resolution No. 3669-08** approving an Appeal of a Planning Commission Condition of Approval Regarding a Limitation on Signage for Use Permit, UP-06-08, Which Allowed for Establishment of a Check Cashing Business at 31854 Alvarado Boulevard. Motion carried unanimously.

- 6.b Adopt Resolutions to (1) Declare the results of the property owner protest ballot proceedings for the Union Landing Property and Business Improvement District (PBID), (2) Approve and adopt the Management District Plan and Engineer's Report for the Union Landing PBID and (3) Order the formation/renewal of the Union Landing PBID and the levy and collection of assessments for said District

Economic and Community Development Director Leonard presented the staff report and responded to questions from Councilmembers.

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

The City Clerk opened, inspected and tabulated all valid Assessment Ballots in support of or in opposition to the proposed assessment based upon the proportional financial obligation of the affected property. The City Clerk reported the following vote:

Yes: 15 No: 1

The City Clerk further reported that since the assessment value of the single "No" vote did not exceed the Assessment Ballots submitted in favor of the assessment, the District may be formed/renewed and the proposed assessment may be imposed once the City Council approves and adopts the three (3) proposed resolutions.

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3670-08** Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Union Landing Property and Business Improvement District Commencing with Fiscal Year 2008/09. Motion carried unanimously.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez, to adopt **Resolution No. 3671-08** Approving and Adopting the Management District Plan and Engineer's Report for the Union Landing Property and Business Improvement District for Fiscal Year 2008/09 and Appointment of an Owners Association. Motion carried unanimously.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3672-08** Ordering the Formation/Renewal of the Union Landing Property and Business Improvement District and the Levy and Collection of Assessments for Said District for Fiscal Year 2008/09. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Appointing Individuals to Serve as Alternates on the Senior Commission

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3673-08** appointing Joseph E. George to serve as an alternate on the Senior Commission with a term expiring June 30, 2012. Motion carried unanimously.

- 7.b Adopt a Resolution Approving an Environmentally Preferable Purchasing Policy For all City Facilities

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

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3674-08** adopting an environmentally preferable purchasing policy for all City facilities. Motion carried unanimously.

- 7.c Adopt a Resolution Authorizing the City Manager to Issue a Request for Proposal and Approve a Joint Feasibility Study with the City of Newark for a Potential Merger of the Union City and Newark Fire Departments

A letter dated July 2, 2008, was received from Union City Firefighters Local 1946 regarding a feasibility study for the proposed fire department merger.

City Manager Cheeves presented an overview of the staff report and responded to questions from Councilmembers. Fire Chief Rodriguez provided further comments in support of a proposal to merge the Union City and Newark Fire Departments.

Barry Ferrier spoke in favor of the proposal.

It was moved by Mayor Green, seconded by Vice Mayor Fernandez, to adopt **Resolution No. 3675-08** Authorizing the City Manager to Issue a Request for Proposal for a Feasibility Study for the Possible Merger of the Union City and Newark Fire Departments, Authorizing the City Manager to Approve and Secure the Consulting Firm Jointly with the City of Newark and Appropriating Necessary Funds From the Undesignated Reserve. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS

- 10.a Summary of June 2008 Planning Commission Meetings

Economic and Community Development Director Leonard presented the staff. Councilmembers received the report and provided comment.

XI. SECOND ORAL COMMUNICATIONS

Barry Ferrier requested PowerPoint presentations given during a meeting be made available to the public on the City's website after the meeting. Mr. Ferrier also commented about the use of illegal fireworks in his neighborhood on the 4th of July.

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 Navarro stated he would be attending a meeting of the Oakland Airport Noise Forum next Wednesday.

Councilmember Dutra-Vernaci stated the Housing Authority would be temporarily relocating from its offices on Atherton and looking for something around a BART station in another city.

Councilmember Valle stated ACAP would like to work with Union City and surrounding cities (San Leandro to Fremont) to create a regional approach to counter youth and gang violence.

Mayor Green stated it was discussed by the Waste Management Authority to have mandatory recycling ordinances and landfill bans adopted by the Board by December of this year, and adopted by the cities in 2009.

Mayor Green stated, with the opening of the Fremont hazardous materials facility, the Oakland, Hayward, Livermore and Fremont facilities would now be open on alternating weeks.

Mayor Green stated Albany, Emeryville and Oakland had received money for putting a new label on their green yard waste containers stating that food scraps are permitted.

Mayor Green stated former Union City City Manager Karen Smith would be retiring from the Waste Management Authority by the end of the year.

Mayor Green stated Union City had been successful in securing the \$9 million State grant for the intermodal area.

XIV. GOOD OF THE ORDER

Councilmember Valle inquired about the pylon sign at Union Landing. Deputy City Manager Acosta provided an update on the electronic reader board, noting staff was scheduling final review meetings for the construction phase.

Councilmember Dutra-Vernaci stated the signal lights were flashing red all Saturday at the intersection of Union City Boulevard and Smith Street. Public Works Director Cheng stated a transformer had been destroyed and it had taken time to get it restored. Police Chief Stewart stated the red-light-camera would not have been operational in that instance.

Councilmember Navarro expressed appreciation to Public Works staff for removing numerous real estate signs left on Smith Street to Rose Way.

Councilmember Navarro stated he had received a note regarding a time limitation at the Union City Sports Center, noting if such a time limitation were to be placed restricting the hours of use for special events with music, then the only rental business would likely be for children's events. Deputy City Manager Acosta reported he had not received any complaints regarding the noise level from recent weekend activities. Mayor Green inquired about the status of securing a sound engineer's estimate to fix the problem. City Manager Cheeves stated staff had received some preliminary information, and noted it is a top priority to maximize the use of the Sport Center. Public Works Director Cheng stated staff would bring a report to Council for its consideration in the next several weeks.

Vice Mayor Fernandez stated parking at Four Corners shopping center was limited due to Lucky tour buses picking up riders who are parking their cars in the shopping center lot all day.

Mayor Green stated he was 7-for-7 in speaking with individuals about support for the next ballot measure.

Mayor Green inquired about the status of the police sub-station project. Economic and Community Development Director Leonard confirmed the Development Review Committee has been working with Duckett-Wilson, and stated staff would be bringing something forward to the Planning Commission for review in September.

Mayor Green inquired about the status of departments reporting on annual accomplishments. City Manager Cheeves stated a report had been provided to the Council approximately six months ago, and staff would be updating the information by the end of this calendar year.

Mayor Green asked about the 'For Lease' signs springing up around town. Economic and Community Development Director Leonard provided an update regarding the permitting of those signs.

Mayor Green stated he and Councilmember Navarro had traveled around town on the 4th of July, and had spotted over 20 uses of illegal fireworks, noting many were being used at locations chronically used each year by individuals setting off illegal fireworks. City Manager Cheeves and Police Chief Stewart reported the CHP helicopter could not safely patrol due to a low fog ceiling that evening, but had offered to provide the service next year. Councilmember Navarro stated a fire truck had passed by illegal activity going on in the street. Mayor Green requested staff develop a different plan for 2009. City Manager Cheeves stated staff would be proactive again next year, and requested Mayor Green and Councilmember Navarro provide staff with a list of the locations they had visited.

Mayor Green adjourned the Regular Meeting to Closed Session at 10:17 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 10:22 p.m. with the following attendance:

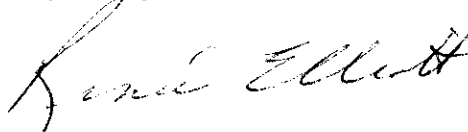
Present: Councilmembers Dutra-Vernaci, Navarro and Valle, Vice Mayor Fernandez,
Mayor Green

Absent: None

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 11:00 p.m. with no reportable action.

Respectfully submitted,



Renee Elliott
City Clerk

RESOLUTION NO. 3666-08

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION
HELD JUNE 3, 2008**

WHEREAS, on the 3rd day of June 2008, a Special Election was held in Union City for the purpose of presenting to the voters, a ballot measure for adoption of a Public Safety Services Tax; and,

WHEREAS, the City Council is required to pass a Resolution reciting the facts of the election and other matters as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does find and state as follows:

- A. The entire number of ballots cast in the City in the aforesaid election was 6532.
- B. The following ballot Measure was voted:

<p>MEASURE K: Shall the existing Public Safety Services Tax be extended and enhanced to expire in twenty years, with adjusted tax rates and an annual adjustment cap of 3%, in order to fund current and expanded police and fire protection services, youth violence prevention and intervention programs and services, and emergency preparedness supplies and services, in Union City?</p>
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YES: 3950

NO: 2414

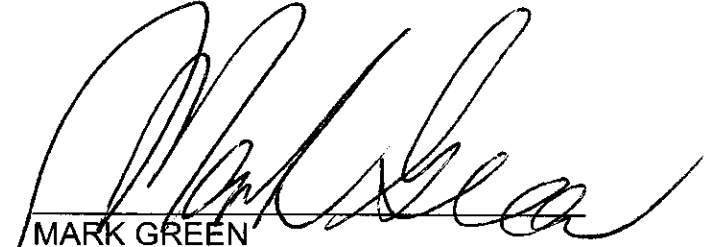
- C. That the number of votes at each precinct for each person is hereinafter set forth in Exhibit A, The Official Canvass from the Registrar of Voters, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the City Council of the City of Union City, that Measure K is determined to have not been approved by a two-thirds vote of the voters of the City of Union City; and,

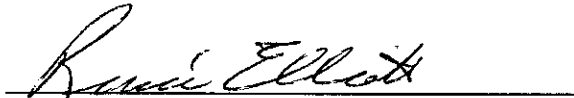
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to attach a copy of this Resolution to the minutes of the meeting and make it a part of such minutes.

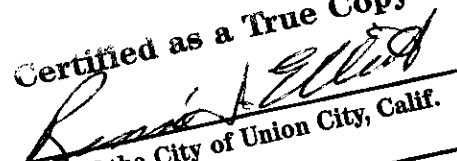
PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City, at a regular meeting held on the 8th day of July 2008 by the following vote:

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

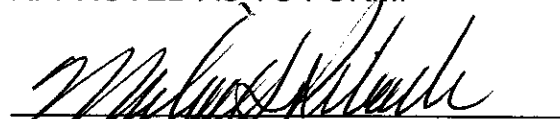

MARK GREEN
Mayor

ATTEST:


RENEE ELLIOTT
City Clerk
DATED: 7-21-08

Certified as a True Copy

Clerk of the City of Union City, Calif.
By _____
Deputy City Clerk

APPROVED AS TO FORM:


MICHAEL S. RIBACK
City Attorney



REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

DAVE MACDONALD
REGISTRAR OF VOTERS

June 26, 2008

Renee Elliott, City Clerk
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Ms. Elliott:

Enclosed is the Certificate of Election Results and a copy of the Official Canvass for the City of Union City Municipal Election held on Tuesday, June 3, 2008.

If you have any questions, please contact me at 272-6933.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Macdonald", is written over the typed name.

Dave Macdonald
Registrar of Voters

Enclosure

