

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

**TUESDAY, APRIL 14, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:00 P.M.

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:15 p.m.

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

Mayor Green stated there was no reportable action from the Closed Session scheduled earlier this evening.

I.b Roll Call

Present: Councilmembers Fernandez, Navarro and Valle, Mayor Green

Absent: Vice Mayor Dutra-Vernaci

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Resolution Honoring Abode Services (formerly Tri-City Homeless Coalition) Upon Its 20th Anniversary

Mayor Green read the resolution aloud and presented it to representatives of Abode Services who expressed their appreciation.

3.b Proclamation Proclaiming April 12-18, 2009 as "National Public Safety Telecommunications Week"

Mayor Green read the proclamation aloud and presented it to Cassandra Moreland who expressed appreciation on behalf of the communications division of the Police Department.

3.c Resolution Recognizing Lisa Miller as the 2008 Union City Police Department Dispatcher-Clerk of the Year

Mayor Green read the resolution aloud and presented it to Dispatcher/Clerk Lisa Miller, who expressed her appreciation.

IV. ORAL COMMUNICATIONS - None

V. CONSENT CALENDAR

Consent Calendar Items 5.d, 5.e, and 5.l were removed from consideration.

It was moved by Councilmember Fernandez, seconded by Councilmember Navarro, to approve Consent Calendar items 5.a through 5.c, 5.f through 5.k, and 5.m as recommended by staff.

Ayes: Councilmembers Fernandez, Navarro, Valle, Mayor Green
Noes: None
Absent: Vice Mayor Dutra-Vernaci
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 Meeting of March 31, 2009
- 5.c Rejected Claim No. 764, submitted by William Brown, as Recommended by the City's Claims Administrator
- 5.f Adopted **Resolution No. 3776-09** Requesting Metropolitan Transportation Commission (MTC) for the Allocation of FY 2009-10 Transportation Development Act (TDA) Article 3 Funds for Pedestrian/Bicycle Project Funding
- 5.g Adopted **Resolution No. 3777-09** to Accept Work for Decoto Road Connector Signalization, City Project No. 07-05
- 5.h Adopted **Resolution No. 3778-09** to Modify the Union City Parking Fee Violation Penalty Master Fee Schedule Previously Set Forth in Resolution 3651-08 to Offset Increase in Fees Assessed by the State of California
- 5.i Adopted **Resolution No. 3779-09** to Accept and Appropriate Proceeds from Seized/Forfeited Property and Funds from the Drug Enforcement Administration to Offset Overtime Costs
- 5.j Adopted **Resolution No. 3780-09** Authorizing the Mayor to Sign Letters of Support for Assembly Bill 283, Which Would Create an Extended Producer Responsibility Program in California
- 5.k Adopted **Resolution No. 3781-09** of the City Council of the City of Union City Authorizing the Submission of a Pre-school Licensing Application on Behalf of the City of Union City to the Community Care Licensing Division of the State of California Department of Social Services for a Day Care Program at Holly Community Center
- 5.m Adopted **Resolution No. 3782-09** Authorizing the City Manager to Execute an Agreement with Caporicci & Larson, Certified Public Accountants, to Provide Audit Services for Three Fiscal Years Ending June 30, 2011

Consideration of items removed from the Consent Calendar:

- 5.d Adopt a Resolution Authorizing the Auction or Recycling of Inoperable and Obsolete Police Department Mobile Data Computers

City Manager Cheeves and Police Chief Stewart responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Councilmember Navarro, to adopted **Resolution No. 3783-09** Authorizing the Sale or Auction or Recycling of Inoperable and Obsolete Police Department Mobile Data Computers No Longer Being Used By City Staff

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

- 5.e Adopt a Resolution Awarding a Contract for Alvarado-Niles Road Pavement Rehabilitation Project, City Project No. 08-01 and Federal Project No. STPL-5354(024)

Public Works Director Cheng responded to questions from Councilmembers, and distributed copies of a revised resolution to include the appropriation of grant funds.

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3784-09** Allocating Federal Grants in the Amount of \$426,000 and Awarding Contract for Alvarado-Niles Road Pavement Rehabilitation Project City Project No. 08-01 and Federal Project No. STPL-5354(0240 and Awarding a Contract to Top Grade Construction Inc. for Alvarado-Niles Road Pavement Rehabilitation Project

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

- 5.l Adopt a Resolution Approving the Employee Classifications of Youth & Family Services Manager, Lead Outreach Worker, Outreach Worker, Case Manager, and Youth Employment Coordinator

Councilmember Valle distributed copies of proposed changes to the job descriptions for the Program Manager and Outreach Worker positions.

City Manager Cheeves stated there were established personnel rules for the preparation of classified job descriptions, and recommended the matter be continued to the next regular meeting to allow staff sufficient time for review and analysis.

Mayor Green recessed the meeting at 7:37 p.m. to allow time for the list of proposed changes to be copied and distributed to audience members and reviewed by staff.

Mayor Green reconvened the meeting at 7:54 p.m.

Councilmember Valle provided background information regarding his rationale for the proposed changes to the job descriptions.

Deputy City Manager Acosta responded to questions and comments from Councilmembers during a line-by-line review of the proposed changes.

Karen Yfru expressed concern about escalating youth violence within the community, and requested action be taken soon.

Todd Benson commented about the importance of addressing youth violence issues, and making sure the job descriptions accurately reflect those needs.

Chris Cara expressed appreciation to staff for its work on drafting the job descriptions, and requested the proposed changes be included.

It was moved by Councilmember Valle, seconded by Councilmember Navarro, to adopt **Resolution No. 3785-09** approve the job descriptions as presented, including the modified deletions and proposed additions, and to form a working committee to include Councilmember Valle and Mayor Green to work through a rapid implementation of Measure UU and complement the CalGRIP Grant.

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

VI. PUBLIC HEARINGS

- 6.a Adopt a Resolution to Deny the Appeal Filed by KPDT Enterprises, LLC and Affirm the Planning Commission's Decision to Affirm the Economic and Community Development Director's Zoning Interpretation Regarding Establishment of a Smart and Final Store in the Union Landing Shopping Center at 31070 Dyer Street

Planning Manager Campbell presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing.

Adam Tennant, representing KPDT Enterprises and the Pries family, spoke in favor of the establishment of a Smart and Final Store in Union Landing, and distributed copies of an April 13, 2009 letter from Smart & Final Stores LLC.

Jerrico Abanico spoke in favor of the project, and the 75 to 100 resulting jobs that would become available for youth seeking employment in the city.

Building owner Terry Pries stated Smart & Final would be similar to the former tenant Linens 'N Thing, and should be a permitted use.

Barry Ferrier stated he was a frequent customer of Smart & Final in Hayward and Fremont, and noted the location near the freeway interchange in Union City would create a regional draw.

Hugh McNamara spoke in favor of the proposal, and suggested Smart & Final pledge to sell only bulk items.

Adam Tennant readdressed issues for Council consideration, and requested Council approve the establishment of a Smart and Final Store in Union Landing.

Terry Pries stated a use permit would be submitted by May 2009 to get the process going to insure tenancy by the end of the year, and responded to questions from Councilmembers.

Dana Hernandez spoke in favor of the proposed Smart and Final Store in Union Landing.

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

Economic & Community Development Director Malloy responded to questions from Councilmembers. Councilmembers provided comment.

It was moved by Mayor Green, seconded by Councilmember Navarro, to uphold the appeal filed by KPDT Enterprises, LLC. for the establishment of a Smart & Final Store in Union Landing at 31070 Dyer Street. Staff will return with a resolution for adoption at the April 28, 2009 regularly scheduled City Council meeting.

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

Mayor Green recessed the meeting at 9:10 p.m.

Mayor Green reconvened the meeting at 9:31 p.m.

VII. CITY MANAGER REPORTS

7.a Review of Request For Qualifications (RFQ) Document for Sports Center Public Art Installation

Planning Manager Campbell presented the staff report and responded to questions from Councilmembers. Councilmembers provided feedback regarding the RFQ and, by consensus, approved the RFQ document.

7.b FY 2009-10 and 2010-11 General Fund Budget Preparation Status

City Manager Cheeves presented a State-of-the-City financial report and, along with Administrative Services Director Digre, responded to questions from Councilmembers. City Manager Cheeves encouraged employees to present any budget saving ideas to their department heads.

Laura Mapes stated her position as Fire Marshal was currently on the cut-list, and spoke about her tenure and qualifications while serving as an employee for the past 9 years.

John Mapes quoted from a publication entitled *America Burning*, and spoke about the importance of maintaining funding for fire prevention programs and personnel.

Marlene Rivers stated her position had been identified for modification from safety to non-safety status, and spoke about the importance of maintaining the safety status classification.

Denise Daly, part-time fire inspector, expressed concern about the proposed cutbacks to fire safety positions.

Councilmembers received the report. No action was taken.

- 7.c Adopt Resolution Approving a Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System (CalPERS) to Provide the Option for Two Years Additional Service Credit for Local Safety Members

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

It was moved by Councilmember Valle, seconded by Councilmember Navarro, to adopt **Resolution No. 3775-09** Approving a *Resolution Of Intention* to Approve an Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System and the City of Union City to Provide the Option for Two Years Additional Service Credit for Local Safety Members.

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

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS

- 10.a Report From Council Audit Committee Meeting of March 26, 2009

Administrative Services Director Digre presented the report from the FY 2007-08 Audit Committee and responded to questions from Councilmembers. The report was received and filed. No further action was taken.

XI. SECOND 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 Valle reported he and the Alameda County Librarian would be meeting with the President of Ohlone College.

Councilmember Navarro reported he would be attending an Airport Noise Forum meeting.

Mayor Green stated Tri-CED would be labeling greenwaste carts beginning in May 2009.

Mayor Green stated WMA will provide funding only to those cities who have adopted a civic green building ordinance.

Mayor Green stated city managers would be presenting a proposal to their respective council's for cities to cooperatively and collectively contribute to a countywide energy efficient block grant proposal to secure funding available on a competitive basis nationwide for improved sustainability/energy efficiency.

Mayor Green stated WMA has topographical information on climate zones in the county (Union City is in Climate Zone 3) available to enforce mandatory green building.

Mayor Green stated there are positive signs for the housing market and, because of its close proximity to BART, the station district will be a huge draw because of its access to public transportation.

Mayor Green stated he had attended an ABAG meeting where a representative from the county Office of Education reported there are 12 school districts without a disaster recovery plan.

XIV. GOOD OF THE ORDER

Councilmember Fernandez expressed appreciation for the new presentation screen in the Council Chambers.

Councilmember Navarro stated two large rigs have been parked overnight at Alvarado Boulevard and Union City Boulevard.

Mayor Green stated big rigs were also being parked overnight on Union City Boulevard north of Bettencourt.

Councilmember Valle stated the street light in front of the teen center on J Street needs fixing.

Councilmember Valle asked about the status of the library patio repair. City Manager Cheeves stated the project will be included on the capital projects list to be presented to the Council in June.

Mayor Green inquired about attendance statistics for the Union City Sports Center. Deputy City Manager Acosta provided an update regarding changes in the membership profile, noting short-term memberships are up but annual memberships are down. A serious evaluation is being done into the feasibility of earning accreditation as a physical therapy center from state and federal Medicare and Medical certification agencies.

Mayor Green inquired about the status of the bakery by the Shell station at Dyer and Alvarado. Economic and Community Development Director Malloy stated site work had begun.

Mayor Green inquired about the status of the housing development located at Dyer and Meteor. Economic and Community Development Director Malloy stated the project had been refinanced and was expected to move forward.

Mayor Green inquired about the Vallejo Street mini development. Economic and Community Development Director Malloy stated there was no new activity to report.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 10:51 p.m.

Respectfully submitted,

Renee Elliott
City Clerk