

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

**TUESDAY, APRIL 28, 2009  
7:00 P.M.**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

***A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:30 P.M.***

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:10 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, Vice Mayor Dutra-Vernaci,  
Mayor Green

Absent: None

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Proclamation recognizing May 10-16, 2009 as "National Police Week"

Mayor Green read the proclamation aloud and presented it to Police Chief Stewart who expressed appreciation on behalf of the department.

**IV. ORAL COMMUNICATIONS**

Recycling Coordinator Roberto Munoz presented an overview, including pictures, of a recent compost give-a-way event held at Tri-CED Recycling on Saturday, April 25, 2009. Mayor Green announced the City had received an award for its Intermodal Station District from the Association of Bay Area Governments (ABAG) entitled *Growing Smarter Together Awards – On the Ground – Getting it Done*.

Laura Mapes provided fiscal information regarding two divisions under her supervision as Union City Fire Marshal.

Denise Daly spoke about her responsibilities as a part-time Union City Fire Inspector, and the importance of providing fire and life safety skills education for residents.

## V. CONSENT CALENDAR

### **Consent Calendar Items 5.g and 5.h were removed from consideration.**

It was moved by Councilmember Navarro, seconded by Councilmember Valle, to approve Consent Calendar Items 5.a through 5.f 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 Meetings of March 24, 2009 and April 21, 2009
- 5.c Approved Minutes for the Special and Regular Meetings of April 14, 2009
- 5.d Adopted **Resolution No. 3786-09** Approving a Tentative Agreement with the Union City Police Officers Association for a Successor Memorandum of Understanding Covering the period from July 1, 2008 through June 30, 2009
- 5.e Adopted **RDA Resolution No. 394-09** of the Community Redevelopment Agency of the City of Union City Authorizing a Contract With Nolte Associates, Inc. for Ongoing Project and Funding Coordination Services for the Broader Intermodal Station District Project
- 5.f Adopted **Resolution No. 3787-09** Accepting and Appropriating the 2009 Byrne Justice Assistance Grant Formula (JAG - Formula) Funds

### **Consideration of Items 5.g and 5.h removed from the Consent Calendar.**

- 5.g Adopt a Resolution to Approve the Appeal by KPDT Enterprises, LLC and Reversing 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

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3788-09** Approving the Appeal Filed by KPDT Enterprises, LLC and Reversing 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

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

- 5.h Adopt a Resolution Appointing Climate Protection Task Force Members Including One City Council Member and Alternate

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3789-09** Appointing Climate Protection Task Force Members as follows:

Planning Commission - Ray Gonzales, Jr  
Planning Commission - Roy Panlilio (alternate)  
Union Sanitary District - Pat Gacoscos  
New Haven Unified School District - Paul Bisbligia  
Union City Chamber of Commerce - Paddy Iyer  
Union City Chamber of Commerce - Jenny Cutter  
Union City Chamber of Commerce - Melvin Matsumoto  
Union City Chamber of Commerce - Tess Bermudez (alternate)  
Union City Resident - Nicholas Shutes  
Union City Resident - Shannon Valle  
Union City Resident - Eva Kamakea  
Union City Resident - Christine McCoy  
Union City Resident - Kevin Armonio (alternate)  
Union City Resident - Darwin Mathison (alternate)  
Mayor Mark Green  
Councilmember Manny Fernandez (alternate)

Motion carried unanimously.

## VI. PUBLIC HEARINGS

- 6.a Public Hearing to Adopt a Resolution Approving General Plan Amendment, AG-01-09, to: (A) Amend the Text of the General Plan Land Use and Economic Elements for the Horner/Veasy Area and Update Table LU-2 to Accommodate the Possible Creation of a new Zoning District for the Horner/Veasy Area; and (B) Amend the Transportation Element to Update Figures TR-5, and TR-6, which Depict Pedestrian and Bicycle Routes, for Consistency with the Pedestrian and Bicycle Master Plan and Reflect current conditions (Continued from March 24, 2009)

Associate Planner Schultz 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.

It was moved by Mayor Green, seconded by Councilmember Navarro, to hold the public hearing (there were no speakers on the matter) and adopt **Resolution No. 3790-09** Approving An Amendment to the General Plan, AG-01-09, Regarding the Horner/Veasy Area and the Bicycle and Pedestrian Network with the following changes to Figure TR-5, Existing and Proposed Bicycle Network, and TR-6, Existing and Proposed Pedestrian Network, listed in Exhibit B of the Resolution:

:

- Amend both Figures to show alignment of the proposed Bay Trail along a proposed Alameda County Flood Control District levee adjacent to the Union City Boundary line along the Bay
- Amend Figure TR-5 to add a bicycle path through the Shelton property to 7<sup>th</sup> Street consistent with the alignment shown on Figure TR-6

Motion carried unanimously.

## VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Amending the Operating Budget for Fiscal Year 2008/2009 and Fiscal Year 2008-09 Third Quarterly Report Comparing Budget to Actual Results, Amendment of General Fund Expenditure Allocations and Revenue Estimates, and Disbursement Report for January 1 through March 31, 2009

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

It was moved by Councilmember Valle, seconded by Councilmember Fernandez, to accept the informational report and adopt **Resolution No. 3791-09** Amending the Operating Budget for Fiscal Year 2008/2009. Motion carried unanimously.

- 7.b Adopt a Resolution Authorizing the Calculation of Estimated Actuarial Costs to Offer Two Year Additional Service Credit to the Miscellaneous and Safety Members of the California Public Employees' Retirement System

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

It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Fernandez, to adopt **Resolution No. 3792-09** Accepting the Calculation of Estimated Actuarial Costs to Offer Two Years Additional Service Credit to the Miscellaneous and Safety Members of the California Public Employees' Retirement System. Motion carried unanimously.

- 7.c Presentation to Council of the Newark and Union City Fire Merger Study by Citygate Associates

City Manager Cheeves provided background information on the process thus far. Fire Chief Rodriguez introduced the staff report and turned the presentation over to Citygate Associates representative Stewart Gary. Mr. Gary presented information regarding the results of the feasibility study, including a fire services analysis.

Mayor Green stated several members of the Alameda County Board of Supervisors, as well as staff within several Alameda County cities, had spoken favorably about the proposal.

ALCO representative Gilbert presented additional information regarding a potential consolidation, and responded to questions from Councilmembers.

City Manager Cheeves stated the projected \$1M savings from the merger proposal is significant, but a final proposal would need to be compared to the \$2M in total Fire Department budget reductions required to meet the department's 20% contribution toward off-setting a projected \$7M total General Fund shortfall in fiscal year 2009-2010.

John Whiting, President of International Association of Firefighters Local 1946, expressed support for the Citygate report and recommendation to pursue a proposal from Alameda County.

By consensus the City Council approved staff pursuing a "Contract for Service" proposal from Alameda County that includes a detailed and comprehensive financial analysis of

all actual costs, including additional financing and maintenance responsibility and Governance Model Policy. Motion carried unanimously.

**Mayor Green recessed the meeting at 9:05 p.m.**

**Mayor Green reconvened the meeting at 9:20 p.m.**

**VIII. REDEVELOPMENT AGENCY - None**

**IX. AUTHORITIES AND AGENCIES – None**

**X. CITY COMMISSION/COMMITTEE REPORTS**

- 10.a A Report and Recommendation from the Human Relations Commission for Adoption of the Fiscal Year 2009-10 Budget for the Youth & Family Services Division, Youth Violence Prevention & Intervention Program; Adopt a Resolution Adopting the Fiscal Year 2009-10 Budget for the Youth & Family Services Division (Measure UU Funds and CalGRIP Grant), and Amending the City's Compensation Plan and Authorized Position List for Employee Positions Funded through Measure UU and the CalGRIP Grant

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. A desk item was distributed showing corrections made to the Salary Compensation Plan and Authorized Position List.

Mary Schlarb, CORE and Youth Violence Coalition member, expressed support for the proposed outreach worker positions, and recommended the base salary be increased to \$40,000 plus the addition of one full time or two part time additional workers.

Jerico Abanico expressed appreciation to staff for its report, and requested the base salary for outreach worker positions be increased to \$40,000, and a budget adjustment to include an additional \$10,000 for program costs.

It was moved by Councilmember Valle, seconded by Councilmember Navarro, to:

1. Accept the recommendations of the Human Relations Commission regarding the Fiscal Year 2009-2010 budget for the Youth & Family Services Division, Youth Violence Prevention & Interventions Program;
2. Authorize staff to proceed with recruitment and hiring processes for the Youth Violence Prevention & Intervention Program (YVPIP) staff positions; and
3. Adopt **Resolution No. 3793-09** Amending the Employee Compensation Plan and Authorized Position List for employee positions funded through Measure UU and the CalGRIP grant.

Motion carried unanimously.

**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**

Vice Mayor Dutra-Vernaci stated she would be attending a Housing Commission budget sub-committee meeting on Thursday morning.

Councilmember Fernandez stated he had attended an ABAG general membership meeting on April 23 where Union City received the *Growing Smarter Together Awards – On the Ground – Getting it Done* for its Intermodal Station District.

Councilmember Navarro reported attending an Airport Noise Forum meeting where the issue of escalating bird strikes was discussed.

Mayor Green spoke about upcoming ACTIA/CMA consolidation talks, and a Stopwaste energy efficient block grant. Deputy City Manager Acosta described the allocation rationale used in drafting the amount of the grants awarded.

Councilmember Valle stated Tri-CED had received a grant from Stopwaste to recruit hard-to-employ youth to label yardwaste containers.

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

Councilmember Navarro inquired about the status of getting Neighborhood Watch signs installed. Public Works Director Cheng will follow-up on the matter.

Councilmember Navarro spoke about truck parking on Alvarado Boulevard by Union City Boulevard. Police Chief Stewart stated citations were being given but there is no current authority to allow towing the trucks unless the owners fail to pay the citation fines. City Attorney Riback will look into the issue.

Councilmember Navarro stated he had picked up two abandoned shopping carts which were currently in the back of his truck.

Councilmember Fernandez inquired if there was a master plan for the landscaping of medians on Alvarado Niles Road. City Manager Cheeves stated a master plan was developed in the 1990s which will be updated to consider environmental issues such as drought tolerance and low maintenance.

Councilmember Valle spoke about an article in *Western City* magazine, and urged it would be critical to receive public input during the budget consideration process.

Councilmember Valle spoke about graffiti on Comcast boxes and suggested Comcast be liable for the cost of graffiti abatement. City Manager Cheeves stated Comcast has historically refused to respond when contacted about the issue, but staff would continue in its attempts to get Comcast to respond and participate.

Councilmember Valle spoke about the new signal at Hartnell and Alvarado Niles Road, stating the parking lot was not being used and on-street parking was blocking right turn access onto Alvarado Niles Road.

Vice Mayor Dutra-Vernaci stated pruning was needed on Union City Boulevard as trees were hanging too low, and bushes had grown too large, for safe passage on the sidewalk.

Vice Mayor Dutra-Vernaci announced the 50<sup>th</sup> Anniversary parade is scheduled for May 16, 2009, which is the same date as the annual Asian American Heritage Festival.

Mayor Green stated he had attended the opening of the Yogurt Train.

Mayor Green stated the LDS church has volunteers looking for assignments.

Mayor Green stated new art work would be on display at City Hall soon for the 2<sup>nd</sup> Annual Young Artists Faire.

Mayor Green stated the current economy is favorable for bidding new construction projects.

**XV. CLOSED SESSION - None**

**XVI. ADJOURNMENT**

Mayor Green adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Renee Elliott, City Clerk