

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

**TUESDAY, JULY 14, 2009
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.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

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 Resolution of the City Council of the City of Union City Honoring Lieutenant Thomas Haselton Upon His Retirement From the City After 21 Years of Dedicated Service

Mayor Green read the resolution aloud and presented it to Lieutenant Thomas Haselton. Lieutenant Haselton expressed his appreciation to Council and staff.

3.b Resolution of the City Council of the City of Union City Honoring Patricia Suk Upon Her Retirement From the City After 31 Years of Dedicated Service

Mayor Green read the resolution aloud and presented it to Ms. Suk. Ms. Suk expressed her appreciation to Council and staff.

3.c Resolution of the City Council of the City of Union City Honoring Sergeant Christopher Guckert Upon His Retirement From the City After 28 years of Dedicated Service to the Law Enforcement Profession and 10 years of Dedicated Service to the City of Union City

Mayor Green read the resolution aloud and presented it to Sergeant Christopher Guckert. Sergeant Guckert expressed his appreciation to Council and staff.

3.d Proclamation Honoring the Athletes from the 2009 Union City Special Olympics Basketball Team for their Gold and Silver Medal Wins at the Special Olympics Northern California Basketball Championships held March 28-29, 2009

Mayor Green read the proclamation aloud and presented a copy to each of the players and coaches of the 2009 Union City Special Olympics Basketball Team.

Mayor Green recessed the meeting at 7:20 p.m. for a reception in the lobby of City Hall to honor all recipients.

Mayor Green reconvened the meeting at 7:45 p.m.

IV. ORAL COMMUNICATIONS

Barry Ferrier announced an upcoming South County ACTIA meeting at the Senior Center on July 23, 2009.

Rufus Catchings requested Council consider changing the municipal code to allow for front-in parking on San Diego Court, stating the court was too small to provide sufficient space for curbside parking. Police Chief Stewart stated California law prohibits front-in parking because it limits the turning radius required for emergency vehicles.

Tony Acosta, representing the 50th Anniversary Committee, announced the "Gathering in the Park" event scheduled on Saturday, July 18, 2009, at Kennedy Park, from 10 am to 6 pm.

V. CONSENT CALENDAR

Items 5.i, 5.j, 5.k, and 5.m were removed from the Consent Calendar for separate consideration.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to approve Consent Items 5.a through 5.h, 5.l, 5.n and 5.o 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 23, 2009
- 5.c Rejected Claim No. 769, filed by Anabella Gonzalez, as Recommended by the City's Claims Administrator
- 5.d Waived reading the full text of the Ordinance and Approved the Second Reading and Adoption of **Ordinance No. 722-09** for Zoning Text Amendment, AT-02-09, to Amend Table 18.39.050 to Increase the Maximum Square Footage Area for Specialty Food Stores from 20,000 sq. ft. to 30,000 sq. ft. in the Union Landing Commercial (CUL) Zoning District (Introduced June 23, 2009)
- 5.e Adopted **Resolution No. 3828-09** Designating the Voting Delegate as Vice Mayor Dutra Vernaci Representing the City of Union City at the 2009 Annual Conference of the League of California Cities in San Jose
- 5.f Adopted **Resolution No. 3829-09** Authorizing the Renewal of an Agreement with the Alameda County Library for Additional Service Hours at the Union City Branch Library during Fiscal Year 2009-10 in the Amount of \$264,168

- 5.g Adopted **Resolution No. 3830-09** to Accept and Appropriate the 2009 Department of Justice, Non-ARRA Formula Justice Assistance Grant (JAG) Funds for Overtime and Equipment
- 5.h Adopted **Resolution No. 3831-09** to Accept and Appropriate Proceeds from Seized/Forfeited Property per a Request with the Federal Drug Enforcement Administration for Overtime Costs Associated With Proactive Special Enforcement Operations Designed to Curtail Criminal Activity and Gang Violence
- 5.i Adopted **Resolution No. 3832-09** Authorizing a Professional Services Agreement with Stewart Wakeling for Strategic Planning and Program Implementation Services for the Youth Violence Prevention & Intervention Program in an amount not to exceed Sixty Five Thousand Dollars (\$65,000) for the period from August 1, 2009 through June 30, 2010
- 5.n Adopted **RDA Resolution No. 399-09** of the Community Redevelopment Agency Authorizing the Executive Director to Execute the Second Amendment to Contractual Services Agreement with ROMA Design Group to Provide Construction Support Services for City Project No. 01-34, Intermodal Station, Phase 1B
- 5.o Adopted **RDA Resolution No. 400-09** of the Community Redevelopment Agency Authorizing Executive Director to Execute a Contract with Ruggeri-Jensen-Azar and ROMA Design Group to Study Alternatives for a Pedestrian Connection Between the Station District and the Shelton Property that will Go Over or Under the Niles Subdivision Railroad Tracks

Consideration of items removed from the Consent Calendar:

- 5.i Adopt a Resolution of the City Council of the City of Union City Amending the operating Budget and Authorized Positions List for Fiscal years 2009-10 and 2010-11

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3833-09** of the City Council of the City of Union City Amending the Operating Budget and Authorized Positions List for Fiscal Years 2009-10 and 2010-11

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

- 5.j Adopt a Resolution for the Approval of Plans and Specifications and Call for Bids for the TOD Infrastructure Improvements Project, City Project No. 09-03

Public Works Director Cheng responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Vice Mayor Dutra-Vernaci, to adopt **Resolution No. 3834-09** for the Approval of Plans and Specifications and Call for Bids for the TOD Infrastructure Improvements Project, City Project No.09-03 and Call for Bids. Motion carried unanimously.

- 5.k Adopt a Resolution Directing the Mayor to Send a Letter of Support of the Housing Authority to HUD to Convert 58 Public Housing Units to Section 8 Project Based Units in

Order for the Housing Authority to Receive More Operation and Maintenance Funds from HUD for the 58 Scattered Site Units

Vice Mayor Dutra-Vernaci responded to questions from Councilmembers. A representative from the Housing Authority provided a list of street locations where units are located in Union City. It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to adopt **Resolution No. 3835-09** Authorizing a Letter of Support be sent by the Mayor for the Application of the Housing Authority of the County of Alameda for the Disposition and Conversion of 58 "Scattered Site" Units to Section 8 Project-Based Vouchers. Motion carried unanimously.

5.m Adopt a Resolution Approving the Classification of Fire Prevention Specialist

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3836-09** Amending the Classification Plan and Approving the Classification of Fire Prevention Specialist

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

VI. PUBLIC HEARINGS

6.a Adopt a Resolution of the Community Redevelopment Agency of the City of Union City Approving the Five-Year Implementation Plan for FY 2009/10 through FY 2013/14 for the Union City Community Redevelopment Project

Management Analyst Sprotte presented the staff report and responded to questions from Councilmembers.

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

It was moved by Agency Member Valle, seconded by Vice Chair Dutra-Vernaci, to adopt **RDA Resolution No. 401-09** Approving the Five-Year Implementation Plan for FY 2009/10 through FY 2013/14 for the Union City Community Redevelopment Project. Motion carried unanimously.

6.b Public Hearing to Request Adoption of a Resolution Confirming Diagram and Levying Assessment for Fiscal Year 2009-2010 within the Boundaries for Landscape and Lighting District No 3

Public Works Director Cheng presented the staff report and responded to questions from Councilmembers. Staff will review *Table 2: Park Benefit Determination* percentages to see if edits are needed to the allocations assigned for parks such as Sugar Mill Landing and Union Landing Park.

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

It was moved by Councilmember Valle, seconded by Councilmember Fernandez, to Accept the Engineer's Report and adopt **Resolution No. 3837-09** Confirming the Diagram and Assessment and Levying Assessment for Fiscal Year 2009-2010 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 Adopt a Resolution as a Responsible Agency Pursuant to The California Environmental Quality Act, Adopting Findings of Fact and a Statement of Overriding Considerations, and Mitigation Monitoring Plan for The East-West Connector Project (Route 84, Option 2), and Approving the Project

Economic and Community Development Director Malloy presented the staff report and responded to questions from Councilmembers. Art Dao responded to questions from Councilmembers.

It was moved by Mayor Green, seconded by Councilmember Navarro, to Adopt **Resolution No. 3838-09** Making Findings as a Responsible Agency Pursuant to the California Environmental Quality Act for the East-West Connector Project (Route 84, Option 2) and Approving the Project. Motion carried unanimously.

Councilmember Valle, as an employee of Tri-CED Recycling, recused himself from consideration of Items 7.b and 7.c, and exited the Council Chambers at 8:24 p.m.

- 7.b Adopt a Resolution of the City Council of the City of Union City Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2009/2010

Solid Waste and Recycling Coordinator Munoz 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. 3839-09** Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2009/2010.

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

- 7.c Adopt a Resolution Authorizing First Amendment to the Franchise Agreement Between the City of Union City and Allied Waste Services For Implementation of Commercial Food Scraps Collection and Processing and Setting of Program Rates for 2009/2010

Solid Waste and Recycling Coordinator Munoz presented the staff report and responded to questions from Councilmembers.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to adopt **Resolution No. 3840-09** Authorizing the First Amendment to the Franchise Agreement between the City of Union City and Allied Waste Services for

Implementation of Commercial Food Scraps Collection and Processing and Setting of Program Rates for 2009/2010.

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

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

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 Navarro stated he would be attending an Airport Noise Forum meeting on Wednesday. Councilmember Navarro stated alternate member Roy Panlilio needs to resign his membership due to schedule conflicts, and Emily Duncan had expressed an interest in taking Mr. Panlilio's place as an alternate representing Union City. Councilmember Navarro will advise Mr. Panlilio to submit his resignation in writing.

Mayor Green stated he had represented ABAG on a trip to Sacramento to lobby for the option of raising by \$2 the vehicle license fee to be used for various purposes, and the effort was successful in getting a bill passed on an 8-5-1 vote in the Assembly.

Mayor Green stated he would be absent from the July 28 Council meeting due to travel plans to Washington DC to lobby on a reauthorization bill for transportation.

Mayor Green stated Executive Director Gary Wolff at Stopwaste.org continues to do an excellent job, and Mayor Green is impressed with the planning efforts for waste management activities throughout the county.

Mayor Green stated he had attended the Taiwanese Chamber of Commerce installation event at the Crown Plaza this afternoon.

Mayor Green stated he had recently attended a Climate Action Plan committee meeting.

XIV. GOOD OF THE ORDER

Councilmember Valle stated he had received correspondence from Stopwaste.org regarding two recent actions that will affect solid waste disposal costs in 2010. Councilmember Valle

inquired when the City would qualify to receive Measure D funds. Deputy City Manager Acosta stated funds were expected by January 2010.

Councilmember Valle stated he had received written communication regarding employment contract bargaining efforts with Tiburcio Vasquez Health Clinic.

Councilmember Valle referenced a news article regarding San Francisco mandated composting and recycling efforts that had raised their diversion rate to 75%. Councilmember Valle stated he would leave the article with staff as it may want to consider proposing a similar ordinance for Council's future consideration.

Vice Mayor Dutra-Vernaci stated a resident had expressed a desire to see more trees planted at the entry points to Union City.

Mayor Green stated that Newark City Councilmember Freitas had been appointed chair at Stopwaste.org.

Mayor Green stated he had participated in a 4th of July tour of the City with Police Lieutenant Horner, and had also attended a party at the home of Fremont City Councilmember Harrison.

Councilmember Valle expressed his appreciation to Public Works staff for its efforts at the Veterans Memorial Park dedication event.

Mayor Green adjourned the regular meeting to Closed Session at 8:50 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, Eddie Kreisberg

Employee organizations:

International Association of Firefighters, Local 1946 (IAFF)

Management Employees Group (MEG)

Professional Employees Group (PEG)

Service Employees International Union, Local 1021 (SEIU)

Union City Police Management Association (UCPMA)

Union City Police Officer's Association (UCPOA)

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:25 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk