

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

**TUESDAY, SEPTEMBER 22, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

THIS MEETING WAS TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH COUNCILMEMBER RICHARD VALLE, FROM HILTON-ORLANDO HOTEL, 6001 DESTINATION DRIVE, ORLANDO, FLORIDA 32819.

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

I. ALL TO ORDER

Mayor Green called the meeting to order at 7:05 p.m.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

I.b Roll Call

Present: Councilmember Navarro, Councilmember Valle via teleconference from Hilton-Orlando Hotel, Vice Mayor Dutra-Vernaci, Mayor Green
Absent: Councilmember Fernandez

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

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Report to City Council on the Union City Police Department Explorer Program

Police Chief Stewart introduced Corporal Steve Mendez who presented a historical perspective of the Union City Explorer Program and an overview of current activities.

3.b Resolution in Recognition of Michael L. Emerson, Originator of the Flight 93 Memorial Located in Sugar Mill Landing Park, Union City, California

Mayor Green read the resolution aloud and presented it to Michael Emerson.

IV. ORAL COMMUNICATIONS

Mattie Rousseau expressed her appreciation to Tri-CED and Richard Valle for providing employment opportunities for youth in Union City.

Jim Lewis inquired about the status of the Masonic Homes plan to develop its property along Mission Boulevard.

Terry Pries provided an update on the progress of the Smart & Final project, and extended an invitation to attend the Grand Opening event on October 20, 2009.

Ram Singh, Gurmee Singh, Haspaul Rama, and Amardeep Pureval expressed concern regarding the elimination of a Punjabi language program at Logan High School, and requested Council intervene with School District officials to request the program be reinstated. The matter may be discussed at the September 28 joint City-Schools Partnership Committee meeting.

V. CONSENT CALENDAR

It was moved by Councilmember Navarro, seconded by Vice Mayor Dutra-Vernaci, to approve Consent Items 5.a through 5.k as recommended by staff.

Ayes: Councilmember Navarro, Councilmember Valle (via teleconferenced voice vote),
Vice Mayor Dutra-Vernaci, Mayor Green

Noes: None

Absent: Councilmember Fernandez

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 and Regular Meetings of September 8, 2009
- 5.c Rejected Claim No. 774, submitted by Nida Karimi, as Recommended by the City's Claims Administrator
- 5.d Adopted **Resolution No. 3863-09** to Conduct State and Federal Level Criminal Background Checks for Fire Department EMT-I's
- 5.e Adopted **Resolution No. 3864-09** to Designate the East Curb of Dowe Avenue between Alvarado Niles Road and Pacific Avenue Adjacent to 33400 Dowe Avenue as a Restricted "Permit Parking" Area
- 5.f Adopted **Resolution No. 3865-09** for the Authorization to Auction Certain Vehicles as Surplus
- 5.g Adopted **Resolution No. 3866-09** to Accept and Appropriate Grant Monies from the Alameda County Health Department Tobacco Control Program Designed to Promote Education and Enforcement of Tobacco Laws

- 5.h Adopted **Resolution No. 3867-09** Awarding a Contract for One Crime Scene Utility Vehicle, City Project No. 09-23, to Golden State Specialty Vehicles of San Ramon, California
- 5.i Adopted **Resolution No. 3868-09** Approving a Contract with Godbe Research in an amount not to Exceed Twenty Thousand Dollars (\$20,000) for Public Opinion Polling Services Related to a Potential 2010 Revenue Enhancement
- 5.j Adopted **RDA Resolution No. 403-09** Authorizing an Amendment to the Existing Contract with Ruggeri-Jensen-Azar & Associates in the total contract amount of \$409,500 to include construction staking and additional construction support services for Transit-Oriented Development (TOD) Infrastructure Improvements in the Station District; and **RDA Resolution No. 404-09** to Award a Construction Management Services Contract to Ghirardelli Associates for the Transit Oriented Development (TOD) Infrastructure Improvements project
- 5.k Adopted **Resolution No. 3869-09** Approving a \$2 Million Loan from the General Fund to the Community Redevelopment Agency to Fund Design and Construction of a Police Substation to be located within the Alvarado Plaza Shopping Center; Adopted **RDA Resolution No. 405-09** Approving the Acceptance of a \$2 Million Loan From the City General Fund to the Community Redevelopment Agency to Fund the Design and Construction of a Police Substation in the Alvarado Plaza Shopping Center; and Adopted **RDA Resolution No. 406-09** Declaring Official Intent of the Community Redevelopment Agency to Reimburse Certain Expenditures Related to the Police Substation From Proceeds of Indebtedness

VI. PUBLIC HEARINGS - None

VII. CITY MANAGER REPORTS

- 7.a Fischel Property Weed Abatement Appeal to City Council - 418 Monaco Avenue

Meyers Nave Attorney Erin Huff, speaking on behalf of City Attorney Riback who was unable to attend due to illness, presented an overview of the matter.

Property owner Peter Fischel presented information regarding his weed abatement appeal, and responded to questions from Councilmembers.

Staff will investigate forming a special assessment district for weed abatement in the Seven Hills neighborhood.

It was moved by Mayor Green, seconded by Councilmember Navarro, to accept the City Attorney's findings and require Mr. Fischel to maintain the open space easement to the rear of his property at 418 Monaco Avenue.

Ayes: Councilmember Navarro, Councilmember Valle (via teleconferenced voice vote), Vice Mayor Dutra-Vernaci, Mayor Green
 Noes: None
 Absent: Councilmember Fernandez
 Abstain: None

- 7.b Adopt an Interim Ordinance as an Urgency Measure Pursuant to California Government Code Section 65858, Making Findings and Establishing a Moratorium on the Establishment of Drug Paraphernalia Establishments/Head Shops Pending the Review and Possible Amendment of Zoning Regulations Applicable to Such Businesses, to Become Effective Immediately

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

It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Navarro, to adopt **Ordinance No. 724-09** as an Interim Ordinance Urgency Measure Pursuant to California Government Code Section 65858 Making Findings and Establishing a Moratorium on the Establishment of Drug Paraphernalia Establishments/Head Shops Pending the Review and Possible Amendment of Zoning Regulations Applicable to Such Businesses, to Become Effective Immediately.

Ayes: Councilmember Navarro, Councilmember Valle (via teleconferenced voice vote), Vice Mayor Dutra-Vernaci, Mayor Green
Noes: None
Absent: Councilmember Fernandez
Abstain: None

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS

- 10.a A Report from the Parks & Recreation Commission Regarding Potential Uses for Measure WW (2008 East Bay Regional Parks District Bond Measure) in the City of Union City

Deputy City Manager/Leisure Services Director Acosta presented the staff report and responded to questions from Councilmembers.

The City Council provided comment and accepted the informational report from the Park & Recreation Commission regarding potential uses for Measure WW (2008 East Bay Regional Parks District Bond Measure) in the City of Union City. 2010 Measure WW priorities should include:

- Sports Center Aquatic Facility
- Barnard-White Gym and Track/Ball fields
- Community Garden (West Side)

Barry Ferrier stated he was serving on a citizens committee the school district had recruited to study the Barnard-White issues.

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 reported having attended the League of California Cities conference in San Jose the past week. The League is planning to solicit signatures to get a measure on the ballot to prevent State takeaways.

Mayor Green stated the State Constitution process was gaining momentum.

Mayor Green extended congratulations to Public Works Director Cheng for staff's effort on the parade route in the City of Newark, where Union City was awarded 2nd place for its participation.

Mayor Green reported attending an Asian Pacific Islander Political Action Committee event in Santa Clara.

Mayor Green spoke about the successful 50th Anniversary event held at Logan High School on September 12, and extended his appreciation to Committee Chair Helen Kennedy for her leadership efforts over the past three years.

Mayor Green stated he had placed second in the 5K/10K run.

Mayor Green stated ABAG was looking into setting up solar districting at the 9-county level.

Mayor Green inquired about the status of funds due from the energy efficiency block grant. Community & Economic Development Director Malloy, and Public Works Director Cheng, provided an update acknowledging the money had been received, and staff would be bringing its recommendation for the energy consultant selection to Council for approval.

Mayor Green stated the City had received an award on the 11th Street enhancement and Decoto Road connector project.

XIV. GOOD OF THE ORDER

Councilmember Navarro stated potential restaurant owners had inquired about the exclusivity of certain businesses which are restricted from opening at Union Landing because of similar product sales by businesses already operating at the Center. Community & Economic Development Director Malloy stated the exclusivity clauses were tied to the lease agreements between Center owners and current lessees.

Vice Mayor Dutra-Vernaci spoke about loitering reported as occurring on Friday and Saturday evenings in front of the Lucky grocery store at Union Landing. Police Chief Stewart stated police were aware of the problem, and trying to address the issue of individuals meeting in front of the stores and then convoying from there to participate in illegal street races.

Vice Mayor Dutra-Vernaci stated she had attended a Washington Hospital Foundation meeting where she learned about a program airing on Comcast 78 which provides an impartial overview of the HR3200 bill on healthcare.

Mayor Green adjourned the regular meeting to Closed Session at 9:05 p.m.

XV. CLOSED SESSION

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

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 (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 9:45 p.m.

Respectfully submitted,

Renee Elliott
City Clerk