

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

**TUESDAY, NOVEMBER 24, 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 7:07 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

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

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

- 3.a Resolution Recognizing Roger D. Narcisco, President/Commander of the League of Filipino-American Veterans, for His Hard Work, Persistence, and Success in Establishing Veterans Memorial Park in the City of Union City, California

Mayor Green read the resolution aloud and presented it to Roger Narcisco, who accepted the award on behalf of veterans everywhere, and expressed his appreciation to Council and to members of the League of Filipino-American Veterans. Mr. Narcisco invited Councilmembers and the audience to join him for refreshments in the lobby of City Hall.

Mayor Green recessed the meeting at 7:17 p.m.

Mayor Green reconvened the meeting at 7:35 p.m.

IV. ORAL COMMUNICATIONS

Federico Rodriguez, owner of Federico's Café in Fremont, announced his plans to open another Federico's restaurant at Union Landing in 2010.

The following individuals requested Council oppose a proposal that would allow contracting out staff positions in the SEIU bargaining unit agreement:

Paul Roman	Sue Oszewski	Frank Morales	Craig Cutting
Matt Bauchou	Jesus Banuelos	Julio Duran	Ramon Gonzalez

Dave Bhatia requested Council consider reducing funding for mid-week library hours and extend the hours of operation the weekends. Deputy City Manager Acosta stated staff would look into the matter.

City Manager Cheeves and Deputy City Manager Acosta presented information regarding the proposed language for the modification to the SEIU MOU agreement.

V. CONSENT CALENDAR

Mayor Green proposed the addition of an urgency item to the Consent Calendar, requesting Council adopt a resolution reappointing Vice Mayor Dutra-Vernaci to serve another term on the Housing Authority of the County of Alameda Housing Commission. It was moved by Councilmember Fernandez, seconded by Councilmember Navarro, to add Consent Calendar Item 5.p to adopt a resolution reappointing Vice Mayor Dutra-Vernaci to the Housing Commission. Motion carried unanimously.

Items 5.g, 5.k, and 5.o 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.f, 5.h through 5.j, 5.l through 5.n, and 5.p, 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 November 10, 2009
- 5.c Adopted **Resolution No. 3889-09** Canceling the December 22, 2009 Regularly Scheduled City Council Meeting
- 5.d Rejected Claim No. 772, filed by Allstate Insurance for Hung Nguyen, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 777, submitted by Jaswinder Sekhon, as Recommended by the City's Claims Administrator
- 5.f Rejected Claim No. 788, submitted by Geico Insurance for Bayani Gonzalvo, as Recommended by the City's Claims Administrator
- 5.h Adopted **Resolution No. 3890-09** of the City Council of the City of Union City Authorizing To Auction Certain Vehicles as Surplus

- 5.i Adopted **Resolution No. 3891-09** of the City Council of the City of Union City Declaring Its Intention to Authorize the Annexation of Territory into Community Facilities District No. 2006-1 (Public Services) for the Masonic Homes Acacia Creek project, and Adopted **Resolution No. 3892-09** Adopting the Boundary Map Showing Territory Proposed to be Annexed in the Future into Community Facilities District No. 2006-1 (Public Services)
- 5.j Adopted **Resolution No. 3893-09** Accepting Public Improvements for Townhouse Development Within Parcel Map 8482; KB Home South Bay Inc., Developer
- 5.l Adopted **Resolution No. 3888-09** Certifying Local Support of Alameda County 2010 STIP New Programming for Union City Intermodal BART, Phase 2 Project
- 5.m Adopted **Resolution No. 3894-09** Authorizing the City Manager to Enter into a Consultant Services Agreement with AECOM for Preparation of a Climate Action Plan and Related Environmental Clearance Document
- 5.n Adopted **Resolution No. 3895-09** for the Acceptance of Improvements for the City Hall Backup Generator Replacement, City Project No. 08-11
- 5.p Adopted **Resolution No. 3896-09** Reappointing Vice Mayor Dutra-Vernaci to Serve on the Housing Authority of the County of Alameda Housing Commission

Consideration of Items 5.g, 5.k, and 5.o removed from the Consent Calendar.

- 5.g Adopt Resolution Authorizing the Executive Director to Execute a Contract with ROMA Design Group to Design and Prepare Construction Drawings for BART Phase 2

Barry Ferrier inquired about the plans for traversing the railroad tracks, and the location of an elevator in the design. Redevelopment Agency Manager Evanoff stated the pedestrian bridge would be in place until the Oakland subdivision is acquired by a public agency, and noted the elevator plans were included in the design.

It was moved by Chair Green, seconded by Vice Chair Dutra-Vernaci, to adopt **RDA Resolution No. 411-09** Authorizing the Executive Director to Execute a Contract for \$2,246,380 with ROMA Design Group to Design and Prepare Construction Drawings for BART Phase 2. Motion carried unanimously.

- 5.k Adopt a Resolution Awarding a Contract for the 2009-11 Tree Pruning & Removal Project, City Project No. 09-13

Public Works Director Cheng responded to questions from Councilmembers.

Dustin Waraner, on behalf of bidder Waraner Tree Experts, expressed a desire to contest the bid results and requested reconsideration of his company's bid. City Attorney Reyes stated he had reviewed the staff report and did not feel the protest was sustainable.

A representative of successful bidder TruGreen Arbor Care stated his company performed good work and maintained high standards with all of their clients.

It was moved by Councilmember Fernandez, seconded by Councilmember Navarro, to adopt **Resolution No. 3897-09** Awarding a Contract to TruGreen Arbor Care of San

Jose for the 2009-11 Tree Pruning & Removal Project, City Project No. 09-13. Motion carried unanimously.

- 5.o Adopt a Resolution of the City Council of the City of Union City Authorizing the Transfer of Capital Monies to the California Emergency Management Agency's (CAL EMA) 1122 Emergency Response Procurement Program for the Purchase of a Tactical Personnel Transport Vehicle and Authorization to Award the Purchase of Said Vehicle to "The Armored Group", Manufacturer of the BATT-S Vehicle

Police Chief Stewart responded to questions from Councilmembers.

It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Valle, to adopt **Resolution No. 3898-09** of the City Council of the City of Union City Authorizing the Transfer of Capital Monies to the California Emergency Management Agency's (CAL EMA) 1122 Emergency Response Procurement Program for the Purchase of a Tactical Personnel Transport Vehicle and Authorization to Award the Purchase of Said Vehicle to "The Armored Group", Manufacturer of the BATT-S Vehicle. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Adopt Two Resolutions: 1) Adopt City Resolution Approving an Amended Reuse Report Required by Health and Safety Code Section 33433 in Connection with an Amendment to a Disposition and Development Agreement with Mid-Peninsula Housing Coalition, Approving the Expenditure of Tax Increment Finds for Public Parking Improvements, and Adopting Findings in Connection with Such Expenditure Pursuant to Health and Safety Code Section 33445; and 2) Adopt Agency Resolution Authorizing an Amendment to a Disposition and Development Agreement with Mid-Peninsula Housing Coalition, Approving an Amended Reuse Report Required by Health and Safety Code Section 33433, Approving the Expenditure of Tax Increment Funds for Public Parking Improvements, Adopting Findings in Connection with Such Expenditure Pursuant to Health and Safety Code Section 33445, and Authorizing Preparation and Execution of Loan Documents in Connection with Agency Financing for the Project

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Council/Agency members.

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

It was moved by Council/Agency Member Navarro, seconded by Council/Agency Member Valle, to:

- 1) Adopt **Resolution No. 3899-09** Approving an Amended Reuse Report Required by Health and Safety Code Section 33433 Associated with an Amendment to a Disposition and Development Agreement with Mid-Peninsula Housing Coalition, Approving the Expenditure of Tax Increment Funds for Public Parking Improvements, and Adopting Findings in Connection with such Expenditure Pursuant to Health and Safety Code Section 33445; and
- 2) Adopt **RDA Resolution No. 412-09** Authorizing an Amendment to a Disposition and Development Agreement with Mid-Peninsula Housing Coalition, Approving an

Amended Reuse Report Required by Health and Safety Code Section 33433, Approving the Expenditure of Tax Increment Funds for Public Parking Improvements, Adopting Findings in Connection with such Expenditure Pursuant to Health and Safety Code Section 33445, and Authorizing Preparation and Execution of Loan Documents in Connection with Agency Financing for the Project.

Motion carried unanimously.

VII. CITY MANAGER REPORTS - 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

Mayor Green reported attending a WMA workshop for recycling board members in Pleasanton where discussion focused on the need to secure compost facilities inside the county and the importance of legislating for extended producer responsibility.

Mayor Green reported attending a Mayors Conference meeting where a presentation was made by a group working on the State Constitution reform process.

- 13.b Referral from Councilmember Valle Regarding Consideration of an Ordinance Prohibiting and/or Restricting the Sale of Tobacco Near Schools

Councilmember Valle stated he had received a letter from California State Senator Alex Padilla requesting cities consider adopting an ordinance prohibiting and/or restricting the sale of tobacco near schools. Councilmember Valle requested the City Attorney prepare a report on the matter for Council to consider at a future meeting. City Manager Cheeves stated the issue would coordinate well with the head shop ordinance. Community and Economic Development Director Malloy stated the issue will be scheduled for Council consideration at its first meeting in January 2010.

XIV. GOOD OF THE ORDER

Councilmember Valle expressed his appreciation to Public Works staff for their good work on preparing the Veterans Memorial Park for the 4th of July event.

Councilmember Valle requested a referral for the next Council meeting to discuss redevelopment property at 2nd and Mission Boulevard.

Vice Mayor Dutra-Vernaci expressed concern about the problem of soccer balls coming over the fence at Shorty Garcia Park and landing on Decoto Road. City Manager Cheeves stated staff would look into possible netting options to mitigate the traffic hazards.

Vice Mayor Dutra-Vernaci inquired if curbside parking could be made available on the weekends at Kennedy Park along Decoto Road. City Manager Cheeves stated the bicycle lane had been restored on Decoto Road precluding curbside parking.

Mayor Green stated sycamore trees had been severely and poorly pruned at the Burger King restaurant on Alvarado-Niles Road. City Manager Cheeves noted there is an ordinance preventing the unauthorized pruning of city trees, and staff would look into the matter.

Mayor Green stated he had attended an interfaith service in Mission San Jose.

Mayor Green stated he had attended a homeless dinner served by Fremont City Council members at the Presbyterian Church on Central Avenue.

Mayor Green stated he was a silver medal winner at the Turkey Trot event over the weekend.

Mayor Green stated he had met with a representative of YES Institute for Human Values, who requested support for a fundraiser event to promote a self-improvement program with New Haven Unified School District. Mayor Green requested Council representatives include the matter for discussion on the agenda for the next joint meeting of NHUSD and Council on December 14, 2009.

Mayor Green stated a resident had complained about the poor quality of lighting on Solar Circle within the Contempo development. City Manager Cheeves stated staff would look into whether RDA funds might be used to assist with the situation.

Vice Mayor Dutra-Vernaci inquired as to the whereabouts of the Union City flag which was removed from the Council Chambers and used at an event in September. Staff will look into the matter.

Vice Mayor Dutra-Vernaci announced a tree lighting event scheduled for 5:30 p.m. on December 2, 2009, at the Nakamura Clinic.

Mayor Green adjourned the regular meeting to closed session at 8:41 p.m.

XV. CLOSED SESSION

15.a **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

(Pursuant to Government Code Section 54956.9)
(Several Cases)

Mayor Green called the closed session to order at 8:35 p.m.

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

Absent: None

XVI. ADJOURNMENT

Mayor Green adjourned the closed session at 9:05 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk