

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
MARCH 8, 2005**

Mayor Green called the meeting to order at 7:00 p.m.

I. PLEDGE OF ALLEGIANCE: Mayor Green led the flag salute

II. ROLL CALL: Present: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

Mayor Green advised that the following item came to the attention of staff after the posting of the agenda and that a motion was needed to add the item to the agenda.

An Urgency Ordinance making findings and adopting a temporary moratorium on the establishment and operation of medical marijuana dispensaries; to become effective immediately.

It was M/S by Valle/Dutra-Vernaci that the item be added to Section VIII of the agenda on the basis that it came to the attention of staff subsequent to the agenda being posted. Motion carried unanimously.

III. UNFINISHED BUSINESS — None

IV. APPROVAL OF MINUTES

A. Approval of Minutes of Adjourned Regular and Regular Meetings of February 22, 2005

It was m/s by Valle/Fernandez to approve the minutes as submitted. Motion carried unanimously.

B. Approval of Minutes of Special Meeting of March 1, 2005

It was m/s by Dutra-Vernaci/Navarro to approve the minutes as submitted. Motion carried unanimously.

V. PROCLAMATIONS/PRESENTATIONS

A. Resolution proclaiming March 2005 as Red Cross Month

It was moved/seconded Valle/Fernandez to waive full reading and adopt **Resolution No. 2933-05** proclaiming March 2005 "Red Cross Month". Motion passed by the following vote:

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

Mayor Green presented the Resolution to Edward Wong representing the American Red Cross.

VI. ORAL COMMUNICATIONS — None

VII. HEARINGS

A. Cable TV Franchise Agreement and Related Documents:

- (1) An Ordinance of the City Council of City of Union City granting a Cable Franchise to Comcast of California/Illinois, L.P. to construct and operate a cable system to provide cable service within a franchise area within the City of Union City; establishing the terms and conditions of the franchise grant; and establishing certain remedies for the violation of the franchise.
- (2) An Ordinance of the City Council of City of Union City granting, repealing and adding Chapter 5.28 of the Union City Municipal Code, regulating the occupancy and use of public rights-of-way by cable systems and open video systems, providing for establishment of customer service standards, establishing franchise and licensing requirements for operators of such systems and prescribing minimum charges, terms and conditions for and upon the construction, maintenance and repair of such systems.
- (3) A Resolution of the City Council of City of Union City establishing local customer service standards pursuant to Chapter 5.28 of the Union City Municipal Code for Cable Communications Systems.
- (4) A Resolution of the City Council of the City of Union City authorizing a Memorandum of Understanding with Comcast of California/Illinois L.P. for council meeting assistance transition.

Deputy City Manager, Tony Acosta introduced the staff report. This is a 15-year Cable TV (CATV) franchise to Comcast of California/Illinois L.P.. The Non-Exclusive Franchise allows Comcast to provide CATV services to the public using public rights-of-way and provides revenues and benefits to the City of Union City in return. The proposed legislation implementing the CATV franchise includes a customer service standards resolution, an ordinance amending Municipal Code CATV regulations, and an ordinance authorizing a detailed franchise agreement with Comcast.

Mayor Green opened the public hearing.

Barry Ferrier commented on the length of agreement and questioned the city's ability to update technology if it locks into the 15-year agreement.

Johnny Giles, representing Comcast, responded that it would be to Comcast's benefit to continue system upgrades as new technology is implemented. He noted that Comcast is in favor of the recommendations.

With no one else wishing to speak, the public hearing was closed.

Assistant City Attorney, Kimberly Johnson, recommended that the following language concerning publication be included in the Ordinances. "Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This ordinance shall become effective thirty days from and after its adoption".

It was m/s by Valle/Navarro to introduce and waive full reading of **Ordinance No. 648-05** granting a Cable Franchise to Comcast of California/Illinois, L.P. to construct and operate a cable system to provide cable service within a franchise area within the City of Union City; establishing the terms and conditions of the franchise grant; and establishing certain remedies for the violation of the franchise, and to include the additional language proposed by the Assistant City Attorney. Motion passed by the following vote:

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

It was m/s by Valle/Navarro to introduce and waive full reading of **Ordinance No. 649-05** granting repealing and adding Chapter 5.28 of the Union City Municipal Code, regulating the occupancy and use of public rights-of-way by cable systems and open video systems, providing for establishment of customer service standards, establishing franchise and licensing requirements for operators of such systems and prescribing minimum charges, terms and conditions for and upon the construction, maintenance and repair of such systems, and to include the additional language proposed by the Assistant City Attorney. Motion passed by the following vote:

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

It was m/s by Valle/Navarro to waive full reading and adopt **Resolution No. 2934-05** establishing local customer service standards pursuant to Chapter 5.28 of the Union City Municipal Code for Cable Communications Systems. Motion passed by the following vote:

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

It was m/s by Valle/Navarro to waive full reading and adopt **Resolution No. 2935-05** authorizing a Memorandum of Understanding with Comcast of California/Illinois L.P. for Council meeting assistance transition. Motion passed by the following vote:

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

B. Transportation Element, Section C, Pedestrians, Bicycles and Trails, General Plan Amendment AG-01-05

Planning Manager, Joan Malloy introduced the staff report. The City is proposing to amend the General Plan to revise and expand the Transportation Element, Section C, Pedestrians, Bicycles and Trails. Proposed amendments would include six new goals and associated policies to address institutional framework; bicycle, pedestrian and trail networks; Safe Routes to School, and funding considerations. Two new figures, known as Figure TR-5, Existing and Proposed Bicycle Network and Figure TR-6, Existing and Proposed Pedestrian Network are proposed to replace the existing figure for bicycle, pedestrian and trail networks. The project is considered to be exempt from CEQA by Section 15061(b)(3) because there would be no specific project proposed or approved as part of the planning process.

Mayor Green opened the public hearing. With no one wishing to speak, the hearing was closed.

After a brief discussion, Council concurred that the program language be amending from "shall encourage" to "being a priority".

It was M/S by Dutra-Vernaci/Valle to waive full reading and adopt **Resolution No. 2936-05** approving an amendment to the General Plan, Transportation Element, Section C, Pedestrians, Bicycles and Trails, AG-01-05. Motion passed by the following vote:

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

VIII. REPORTS FROM CITY MANAGER

A. Summary of January Field Trips

Community Development Director, Mark Leonard introduced the staff report which summarized the highlights of the January 5 and January 26, 2005 City Council and Planning Commission field tours and presented project priorities.

Members of the Council presented their list of priorities.

B. Urgency Ordinance making finding and adopting a temporary moratorium on the establishment and operation of medical marijuana dispensaries, to become effective immediately.

It was m/s by Green/Fernandez to waive full reading and adopt **Urgency Ordinance No. 650-05** making finding and adopting a temporary moratorium on the establishment and operation of medical marijuana dispensaries, to become effective immediately. Motion passed by the following vote:

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

IX. REDEVELOPMENT AGENCY

A. Pacific States Steel Company Affordable Housing

Mark Evanoff, Redevelopment Agency Manager introduced the staff report. The Redevelopment Agency is being requested to consider option to buy-down the purchase price of 21 multi-family townhouses to make them affordable to very low-income households, and to buy down the purchase price of 20 homes and make them affordable to moderate income households.

After discussion, Council did not to support the proposal.

X. AUTHORITIES/AGENCIES — None

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES — None

XII. CONSENT CALENDAR/RESOLUTIONS

A. Pulled for discussion – A Resolution awarding a contract for the Centralized Irrigation System, to United Green Tech of Pacheco, California, City Project No. 04-24.

It was m/s by Green/Fernandez to waive full reading and adopt **Resolution No. 2940-05** awarding a contract for the Centralized Irrigation System, City Project No. 04-24, to United Green Tech in the amount of \$130,000. Motion passed by the following vote:

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

B. Waived full reading and adopted **Resolution No. 2937-05** authorizing renewal of the Microsoft Software Assurance Licensing Agreement.

C. Waived full reading and adopted **Resolution No. 2938-05** authorizing a contract with the State of California Business, Transportation and Housing Agency-Office of Traffic Safety-2004-2006 Sobriety Checkpoints, to receive grant funds in the amount of \$18,237.00.

D. Waived full reading and adopted **Resolution No. 2939-05** approving increased funding in the amount of \$8,500 to Centro de Servicios in the 4th quarter of the 2004-05 Fiscal Year.

E. **Pulled for discussion**– A Resolution authorizing the execution of standard agreement and any amendments thereto and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California, Department of Housing and Community Development.

It was m/s by Green/Navarro to waive full reading and adopt **Resolution No. 2941-05** authorizing the execution of standard agreement and any amendments thereto and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California, Department of Housing and Community Development. Motion passed by the following vote:

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

- F. Waived full reading and adopted **Resolution No. 310-05** the of the Community Redevelopment Agency of the City of Union City authorizing the Execution of a lease agreement with the Union City Historical Museum for the Old Alvarado Fire Station from February 1, 2006 through January 31, 2011.
- G. Introduced and waived first reading of **Ordinance No. 651-05** amending Title 2, Section 2.27.020 of the Union City Municipal Code decreasing the number of members on the Arts Council from seven members to five.
- H. Rejected Claim No. 613 filed by Aji John Kurian and Claim No. 614 Micky Roberts as recommended by the City's Claim Administrator.
Mayor Green requested that Items A and E be pulled from the Consent Calendar.

It was m/s by Fernandez/Valle to approve Consent Calendar Items B, C, D, F, G, and H be approved as submitted. Motion carried unanimously.

XIII. ORAL COMMUNICATIONS — None

XIV. CORRESPONDENCE — None

XV. APPROVAL OF BILLS

A. Approval of disbursements for February 2005

It was m/s by Valle/Dutra-Vernaci to accept the February 2005 Disbursement Report as submitted. Motion carried unanimously.

XVI. SCHEDULED ORAL COMMUNICATIONS — None

XVII. ITEMS REFERRED BY COUNCIL

A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions.

Councilmember Fernandez noted the Joint City & School Subcommittee is meeting on March 21st.

Councilmember Navarro said he recently attended a Planning Commission and was impressed with both staff and the commission. He will also be attending other city commission meetings.

XVIII. GOOD OF THE ORDER

Councilmember Valle asked the status of the Citizens' Workshop. City Manager Cheeves advised that staff is attempting to revive the program and will be soliciting applications.

Vice Mayor Dutra-Vernaci inquired about the status of the vacancies on the Arts Council and other commission that have vacancies. City Clerk Karen Diaz advised that applications are now being accepted for the Arts Council and Senior Commission and that the filing deadline is April 15th.

Councilmember Navarro welcomed City Clerk Karen Diaz and questioned the possibility of implementing a paperless agenda packet. City Clerk Diaz said it was certainly something the city could look at and would discuss the issue with the City Manager.

Councilmember Fernandez noted a broken lock and the ivy growing in the creek.

XIX. ADJOURNMENT: There being no further business, Mayor Green adjourned the meeting at 9:30 p.m.

Submitted by:

Karen Diaz, City Clerk