

**Minutes
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
September 27, 2005**

Mayor Green called the meeting to order at 7:13 p.m.

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

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

III. UNFINISHED BUSINESS – None

IV. APPROVAL OF MINUTES

A. Special and Regular Meeting Minutes of September 13, 2005

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

V. PROCLAMATIONS/PRESENTATIONS

A. Proclamation proclaiming October 2005 National Breast Cancer Awareness Month

A representative from the American Cancer Society was on hand to accept the proclamation.

B. Honoring Union City Leisure Services Aquatics Employees' participation in the 2005 Northern California Lifeguard Games

Recreation Coordinator Korey Hayman described the games and the six competitive events. She noted that the team placed 3rd overall and tied for 7th place overall out of 33 teams. Certificates of Recognition were presented to the team members Jeff Bullard, Dalton Chavez, Adam Kallabis, JD Lothian, Ashley Rogers, Ada Urbina, Jason Valdes, Kirsten Boyer, Adrienne Chan, Jessica Ciardella, Cindy Mestre, and Joseph Mestre.

VI. ORAL COMMUNICATIONS

George Adas addressed the Council concerning the Silver Dollar Night Club, weeds by the new gym project, and the cost of City business license tax.

Dave Bahatia expressed concern about the red light photo camera on Alvarado Niles and Royal Ann.

Tera Mathur, representing the National Art of Living Foundation, spoke of the Youth Empowerment Seminar, a 6-week course that will start in Union City on October 3rd.

Jerry Jolly, Director of Alcohol Beverage Control, presented Chief Ulibarri with a plaque recognizing the Police Department for their successful efforts in using grant funds to assist in the prevention, education and an enforcement program aimed at people under the legal drinking age. He also presented certificates to Sgt. Javier Diaz, and Officers Jared Rinetti and Steve Mendez for their participation in the program.

VII. HEARINGS – None

VIII. REPORTS FROM CITY MANAGER

- A. An Urgency Ordinance establishing a moratorium on the approval of permits for recycling facilities pending the completion of an update to Chapter 18.40 of the Municipal Code

Councilmember Valle stated a conflict of interest due to his employment with TriCED Recycling.

City Manager Cheeves advised that this item requires four affirmative votes to pass.

Mayor Green suggested that staff work on a date for a special meeting to hear the item.

- B. A Resolution awarding a contract to Zolman Construction to construct the Union City Sports Center and approve a professional service agreement with Anchor Engineering to provide construction management

Deputy City Manager Acosta presented the staff report, outlined the budget, project costs, funding sources, and the impacts on the Capital Funds. He noted the revised resolution that was made available to the council and the public.

Public Works Superintendent Phil Sacks addressed questions concerning timing issues, the move-in date, and the amount of the contingency funds.

Vice Mayor Dutra-Vernaci questioned the renovation project for the Civic Center.

Mr. Acosta noted that the Capital Fund has a placeholder for improvements of the Civic Center to include new Council Chamber, at such time that either a new library or police facility is built.

In answer to Councilmember Valle, Mr. Acosta said the facility would include a catering kitchen and a sit down eating capacity for 500. The building will also be outfitted with audio/visual equipment.

Dave Bahatia questioned the amount allocated for fees and inspections.

George Adas felt Liberty Park should be made a part of this project. He suggested that private money be looked at to help fund the project.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3055-05** appropriating Supplemental Funds from the Capital Facilities Improvement Fund (Fund 6200) in the amount of \$1,605,000 for the Union City Sports Center Project, awarding the contract to Zolman Construction and Development, Inc., for construction of the Union City Sports Center (Gymnasium), and entering into a service agreement with Anchor Engineering to provide construction management of the Union City Sports Center, City Project No. 02-12 . Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Valle, Green
Noes: None
Absent: Navarro

IX. REDEVELOPMENT AGENCY – None

X. AUTHORITIES/AGENCIES – None

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES – None

XII. CONSENT CALENDAR/RESOLUTIONS

- A. Adopted **Resolution No. 3056-05** approving specifications and authorization to solicit bids for an Air-Type Sweeper
- B. Adopted **Resolution No. 3057-05** approving a professional service agreement with Glass Architects to provide architectural services for Fire Station 3 Relocation
- C. Adopted **Resolution No. 3058-05** approving Site Development Review SD-08-05 for Lowe's Home Improvement Store
- D. Pulled for Discussion – Waive second reading and adopt Ordinance No. 658-05 amending Sections 2.06.020, 2.06.030, and 2.06.080 of the Municipal Code relating to Campaign Contribution Limitations in Municipal Elections
- E. Rejected Claim No. 635 filed by Scott Watkins on July 25, 2005 as recommended by the City's Insurance Adjuster
- F. Rejected Claim No. 638 filed by California State Automobile Association filed on September 2, 2005 as recommended by the City's Insurance Adjuster
- G. Rejected Claim No. 639 filed by Renato Robles filed on August 17, 2005 as recommended by the City's Insurance Adjuster
- H. Adopted **Resolution No. 3059-05** approving Final Tract Map 7601, Lowry Road west of Southern Pacific Railroad, Summerhill Homes
- I. Adopted **Resolution No. 3060-05** approving Site Development Review SD-02-05 for Pan Cal located at 32727 Alvarado-Niles Road
- J. Adopted **Resolution No. 3061-05** amending the Salary Compensation Plan
- K. Pulled for Discussion – Waive second reading and adopt Ordinance No. 657-05 adding Chapter 2.21 to the Municipal Code establishing a Youth Commission

Motion: It was m/s by Valle/Dutra-Vernaci to approve Consent Items A, B, C, E, F, G, H, I, and J as recommended by staff. Motion carried unanimously.

Items D & K – City Manager Cheeves clarified Vice Mayor Dutra-Vernaci's question about waiving second reading of these ordinances.

Motion: It was m/s by Dutra-Vernaci/Valle to waive second readings and adopt **Ordinance No. 658-05** amending Sections 2.06.020, 2.06.030, and 2.06.080 of the Municipal Code relating to Campaign Contribution Limitations in Municipal Elections, and **Ordinance No. 657-05** adding Chapter 2.21 to the Municipal Code establishing a Youth Commission. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Valle, Green
Noes: None
Absent: Navarro

XIII. ORAL COMMUNICATIONS – None

XIV. CORRESPONDENCE – None

XV. APPROVAL OF BILLS – None

XVI. SCHEDULED ORAL COMMUNICATIONS

A. J.J. Amaya concerning policy changes overseen by the City Council

Mayor Green requested that this item be carried over to the next meeting to accommodate Mr. Amaya's schedule.

XVII. ITEMS REFERRED BY COUNCIL

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

Vice Mayor Dutra-Vernaci advised that the Housing Authority is getting closer to appointing a new CEO.

Councilmember Valle reported on the Joint City/School meeting and noted the dedication of the new Conley-Caraballo High School.

XVIII. GOOD OF THE ORDER

Councilmember Valle advised that several residents have expressed the need for a stop sign at 13th and H Street.

Vice Mayor Dutra-Vernaci noted that all the garbage containers have been replaced with the correct size.

Councilmember Fernandez asked that the timing of the signal light from Dyer on Alvarado Drive be checked out.

Mayor Green expressed concern with the amount of pigeons at Alvarado and Chavez school sites.

Chief Ulibarri provided an update on the radar enforcement being conducted on Union City Boulevard.

The meeting adjourned to closed session at 8:20 p.m.

XIX. CLOSED SESSION

Closed session convened at 8:25 p.m. with Councilmember Navarro absent. Councilmember Valle advised he had a conflict of interest in the first closed session item due to his employment with Tri-CED, recused himself and left the meeting room.

- A. Conference with Legal Counsel – Anticipated Litigation
Pursuant to subdivision (b) of Section 54956.9 of the Government Code
Potential litigation – two potential cases

Mayor Green recessed the closed session and reconvened in open session at 8:40 p.m. with Councilmembers Fernandez and Navarro absent.

City Attorney Riback advised that Councilmember Fernandez has a conflict with Consent Item I due to the proximity of the project to his personal residence, and requested that the Council reconsider the item.

Motion: It was m/s by Dutra-Vernaci/Valle to reconsider Consent Item I adopting **Resolution No. 3060-05** approving Site Development Review SD-02-05 for Pan Cal located at 32727 Alvarado-Niles Road. Motion carried with Councilmembers Fernandez and Navarro absent.

Motion: It was m/s by Dutra-Vernaci/Green to adopt **Resolution No. 3060-05** approving Site Development Review SD-02-05 for Pan Cal located at 32727 Alvarado-Niles Road. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Valle, Green
Noes: None
Absent: Fernandez, Navarro

Mayor Green adjourned the open session and Council reconvened in the closed session at 8:45 p.m. with Councilmember Navarro absent.

Mayor Green adjourned the closed session and reconvened the open session at 9:40 p.m. with Councilmember Navarro absent.

City Attorney Riback announced that Council adopted **Resolution No. 3062-05** approving the Seventh Compromise Settlement Agreement and Mutual Release between Waste Management of Alameda County, Inc. and the City of Union City by unanimous vote with Councilmembers Navarro and Valle absent.

XX. ADJOURNMENT: There being no further business, Mayor Green adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Karen Diaz, MMC
City Clerk