

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

**TUESDAY, FEBRUARY 10, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:08 p.m.

I.a Pledge of Allegiance – Mayor Green lead 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 announced there was no reportable action from the Closed Session held earlier this evening.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Declaring February 11, 2009 as "2-1-1 Day" in the City of Union City

Mayor Green read the proclamation aloud and presented it to Eden I&R Deputy Director Jackie Ruggles.

IV. ORAL COMMUNICATIONS

Laverne Buffet expressed various concerns regarding an arrest situation she was involved in at a WalMart store.

Hugh McNamara expressed concern about weeds blocking the sidewalk near a construction site at Dyer and Meteor. Mr. McNamara stated an event held at the Union City Sports Center last weekend went very well.

V. CONSENT CALENDAR

Items 5.c, 5.e, and 5.h were removed from the Consent Calendar for discussion.

It was moved by Councilmember Valle, seconded by Vice Mayor Dutra-Vernaci, to approve Consent Items 5.a, 5.b, 5.d, 5.f, and 5.g 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 Meeting of January 26, 2009, Special and Regular Meetings of January 27, 2009, and Special Meeting and Joint Study Session of January 28, 2009
- 5.d Adopted **Resolution No. 3750-09** Awarding a Contract for the Purchase of One 2009 Harley-Davidson FLHTP Electra Glide Police Package Motorcycle, for the Union City Police Department, City Project No. 08-22
- 5.f Adopted **Resolution No. 3751-09** Approving the First Amendment to the Revised Memorandum of Understanding Between the City of Union City and the Professional Employee Group for the Period From July 1, 2008 through June 30, 2009
- 5.g Adopted **Resolution No. 3752-09** Approving the Second Amendment to the Memorandum of Understanding Between the City of Union City and the Management Employee Group for the Period From July 1, 2008 through June 30, 2009

Consideration of items removed from the Consent Calendar.

- 5.c Second Reading and Adoption of an Ordinance Approving Municipal Code Text Amendment, AT-07-08, to Amend Chapter 18.38, Station Mixed Use Commercial District, to Modify Development Standards for Affordable Housing Developments

It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Navarro, to approve the second reading, by title only, and adoption of **Ordinance No. 719-09** Approving Municipal Code Text Amendment, AT-07-08, Amending Title 18, *Zoning*, to Modify Development Standards for Affordable Housing Developments Listed in Chapter 18.38, *Station Mixed Use Commercial*

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

- 5.e Adopt a Resolution Approving a Revised Memorandum of Understanding Between the City of Union City and Service Employees International Union, Local 1021 for the Period from July 1, 2008 through June 30, 2009

Deputy City Manager Acosta stated a correction would be made to include the payment of a pro-rated bi-lingual pay enhancement for part-time employees.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to adopt **Resolution No. 3753-09** Approving a Revised Memorandum of Understanding Between the City of Union City and Service Employees International Union, Local 1021, for the Period From July 1, 2008 through June 30, 2009. Motion carried unanimously.

- 5.h Adopt a Resolution Authorizing an Application for Local Grant Funds from the East Bay Regional Park District Under the Measure WW Park Bond Extension

Mayor Green stated a letter should be sent to East Bay Regional Park District staff, and Alameda County Board of Supervisors, requesting the immediate removal of barbed wire fencing recently installed along a section of the trail which poses a safety hazard for trail users.

It was moved by Mayor Green, seconded by Vice Mayor Dutra-Vernaci, to adopt **Resolution No. 3754-09** Authorizing an Application for Local Grant Funds from the East Bay Regional Park District Under the Measure WW Park Bond Extension. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Conduct a Public Hearing and Consider Adoption of Resolution to Establish Underground District No. 19 - Mission Boulevard Undergrounding from Decoto Road to 7th St./Appian Way, City Project No. 07-06

Principal Civil Engineer Azim presented the staff report and responded to questions from Councilmembers.

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 Navarro, to conduct the public hearing and adopt **Resolution No. 3755-09** to establish Underground District No. 19 along Mission Boulevard between Decoto Road and 7th Street/Appian Way, City Project No. 07-06. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Fiscal Year 2008-09 Second Quarterly Report Comparing Budget to Actual Results, Amendment of General Fund Expenditure Allocations and Revenue Estimates, and Disbursement Report for October 1 through December 31, 2008

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to adopt **Resolution No. 3756-09** Amending the Operating Budget for Fiscal Year 2008/09. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Barry Ferrier requested a tentative schedule be prepared indicating the dates, times and locations for budget hearings. Mr. Ferrier stated he was curious about a rail project in the Mission San Jose area of Fremont. Mr. Ferrier stated Mid Peninsula should consider the view tower residents will have when designing the top of the parking garage.

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 Valle stated the Library Commission had met, and noted a conference was scheduled for February 28 in San Francisco.

Councilmember Fernandez stated a 2009 meeting schedule had been developed for joint meetings between the City and NHUSD officials.

Mayor Green spoke about paving projects anticipated for local surface roads.

Mayor Green stated WMA would be hiring Agency Counsel soon, and stated the new executive director wants to meet with all sanitation and water districts to look at the conversion of waste materials to energy in each location, and consideration of a regionalized compost facility.

Mayor Green stated ACTIA/CMA merger talks continue.

XIV. GOOD OF THE ORDER

Councilmember Navarro spoke about using some of the Measure UU funds to revive the PAL boxing program for at-risk youth.

Councilmember Fernandez spoke about a missing street light.

Councilmember Valle stated the PAL boxing sign should be removed from the clubhouse since the program is no longer offered at that location.

Councilmember Valle requested an item be agendaized for consideration at a future City Council meeting for a resolution supporting the addition of wine and liquor bottles to the beverage container recycling reduction act.

Vice Mayor Dutra-Vernaci stated the permitted parking signs were being ignored to prohibit student drop-off, and cars were blocking the driveway and causing damage to parked autos on Grainger, south of Horner.

Mayor Green inquired about the status of the horse stable demolition. Deputy City Manager Acosta provided an update and stated he would personally inspect the site and speak with park district staff if needed. Deputy City Manager Acosta stated a small contract was being considered to design schematic alternatives for a community garden, and staff would be bringing the matter to Council for comments by early April.

Mayor Green asked about the schedule for re-rolling the artificial surface at parks noting he had been running at Accinelli and there were undulations in the grass. Public Works Director Cheng stated the artificial surfaces at Shorty and Accinelli were scheduled for deep cleaning on a bi-annual basis.

Mayor Green adjourned the regular meeting to Closed Session at 8:20 p.m.

XV. CLOSED SESSION

**15.a CONFERENCE WITH CITY ATTORNEY REGARDING LITIGATION UPDATE OF PENDING LITIGATION
(Pursuant to Section 54956.9 of the Government Code)**

Pending Litigation:

Silva, Jose, as Guardian Ad Litem for Topete, Angel, a minor v. City of Union City
Chug, Jaspreet, dba, Dhillion Tire v. City of Union City
Sanft, Louise, et al., v. City of Union City
Nelsen, Ruth v. City of Union City, et al.
Martinez, Peffer and Rose v. City of Union City, et al.
Angelique Paige v. City of Union City, et al.

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 8:43 p.m.

Respectfully submitted,

Renee Elliott
City Clerk