

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

**TUESDAY, JUNE 9, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:04 p.m.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

I.b Roll Call

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

Absent: Councilmember Valle

II. UNFINISHED BUSINESS – None

III. PROCLAMATIONS AND PRESENTATIONS – None

IV. ORAL COMMUNICATIONS

Mattie Rousseau expressed her appreciation to Union City Police Department staff who responded on a call to her home recently.

V. CONSENT CALENDAR

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

Ayes: Councilmembers Fernandez and Navarro, Vice Mayor Dutra-Vernaci, Mayor Green

Noes: None

Absent: Councilmember Valle

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 Meeting and Joint Study Session of May 20, 2009

5.c Approved Minutes for the Special Meeting and Joint Study Session of May 26, 2009, and for the Regular Meeting of May 26, 2009

- 5.d Rejected Claim No. 759, filed by Linda Bodine, as Recommended by the City's Claims Administrator
- 5.e Adopted **Resolution No. 3805-09** Appointing Benjamin T. Reyes as Assistant City Attorney
- 5.f Adopted **Resolution No. 3806-09** of Intent to Renew the City-Wide Landscape & Lighting District No. 3 & Setting Public Hearing Date July 14, 2009
- 5.g Adopted **Resolution No. 3807-09** Awarding Citywide Custodial Services, City Project No. 09-10, to Preferred Service and Supply LLC
- 5.h Adopted **Resolution No. 3808-09** Authorizing Submission of the Draft 2009 Housing Element to the California Housing and Community Development (HCD) Division for Review
- 5.i Adopted **Resolution No. 3809-09** Approving Contract Change Order NO. 1 for Additional Median Work for the Alvarado Boulevard Median Improvement, City Project NO. 05-26
- 5.j Adopted **Resolution No. 3810-09** Accepting Work for the Kennedy Park Play Lots Renovation, City Project No. 05-32
- 5.k Adopted **Resolution No. 3811-09** Awarding Contract to MCK Services Inc. for the 2008-09 Pavement Rehabilitation Program, City Project No. 08-12
- 5.l Adopted **Resolution No. 3812-09** Authorizing the City Manager to Execute an Agreement with Daimler Chrysler Commercial Buses North America / Orion Bus Industries for the Purchase of Six (6) Low-Floor Compressed Natural Gas (CNG) Buses. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Public Hearing to accept and appropriate the 2008-2009 State of California Citizens Option for Public Safety (COPS) Grant to fund one (1) part time position, a portion of two (2) Corporal positions, and overtime for special enforcement projects

Police Chief Stewart 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 Vice Mayor Dutra Vernaci, seconded by Councilmember Navarro, to adopt **Resolution No. 3813-09** Accepting and Appropriating the 2008-09 State of California Citizens Option for Public Safety (COPS) Grant.

Ayes: Councilmembers Fernandez and Navarro, Vice Mayor Dutra-Vernaci, Mayor Green

Noes: None

Absent: Councilmember Valle
Abstain: None

- 6.b Adopt a Resolution approving Modified Site Development Review (MOD-SD-09-06), Modified Use Permit (MOD-UP-08-06), Modified Variance (MOD-V-06-06), and Modified Development Agreement (MOD-DA-02-08) to remove Condition of Approval No. 111 for the Acacia Creek Project, which required installation of a median in Mission Boulevard to restrict left turns into the Masonic Homes Campus

Associate Planner Schultz 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 Mayor Green, seconded by Vice Mayor Dutra-Vernaci, to Adopt **Resolution No. 3814-09** to Approve Modified Site Development Review (MOD-SD-09-06), Modified Use Permit (MOD-UP-08-06), Modified Variance (MOD-V-06-06), and Modified Development Agreement (MOD-DA-02-08) to remove Condition of Approval No. 111 for the Acacia Creek Project, which required installation of a median in Mission Boulevard to restrict left turns into the Masonic Homes Campus.

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

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution to Authorize the Notification of Affected Employees to the Pending Layoff in Conformance with the City's Personnel Rule XIII

City Manager Cheeves introduced the item. There were no questions or comments from Councilmembers.

It was moved by Councilmember Fernandez, seconded by Mayor Green, to adopt **Resolution No. 3815-09** Authorizing the Notification of Affected Employees to the Pending Layoff in Conformance with the City's Personnel Rule XIII.

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

- 7.b Informational Report on the Results of Union City's 2007 Annual Report to the California Integrated Waste Management Board and Discussion of the New Disposal Measurement System (SB1016) for Monitoring a Jurisdiction's Solid Waste Diversion

Solid Waste and Recycling Coordinator Munoz presented the staff report and short video, and responded to questions from Councilmembers. Councilmembers reviewed the staff report and provided comment. No action was taken.

- 7.c Adopt a Resolution Accepting the ~~Program~~ Project Level EIR for the East-West Connector (Route 84, Option 2) Project and Conditionally Approve the Project

City Manager Cheeves introduced the item. A presentation was made on the East-West Connector Project by the following individuals:

Christine Monsen, ACTIA Executive Director
Stefan Garcia, President of Axis Consulting Engineers
Thomas Wintch, Vice President of T-Y-Lin International

Staff and agency representatives responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3816-09** Accepting the Project Level EIR for the East-West Connector (Route 84, Option 2) Project and Conditionally Approving the Project.

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

Mayor Green recessed the meeting at 7:50 p.m. for a brief celebration in the lobby.

Mayor Green reconvened the meeting at 8:15 p.m.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Archie Terry, retired Assistant Fire Chief, spoke about the importance of maintaining the Fire Marshal position within the Fire Department.

Ronnie Oatis, representing Union City fire managers, expressed opposition to the proposed positions targeted for lay-off or change within the Fire department.

Jerome Brown expressed opposition to the proposal to eliminate the Fire Marshal position.

Barry Ferrier expressed a desire for the City to adopt a policy to provide electronic notification of Council meetings and legal notices to interested parties.

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 Fernandez reported attending an annual GIS meeting where he was elected vice chair for the next year.

Councilmember Fernandez reported attending a joint Council/School Board meeting with City Manager Cheeves and staff where discussions centered on the impacts of the current budget situation.

Mayor Green reported WMA had provided a grant to the city of Berkeley for its fly ash program.

Mayor Green reported attending an ABAG regional planning meeting where health issues related to disaster recovery were discussed.

Mayor Green requested City Manager Cheeves contact ACWD General Manager Paul Piraino and Union Sanitary District General Manager Richard Currie requesting they contact Gary Wolfe at Alameda County Waste Management Agency regarding its water and landscape program.

XIV. GOOD OF THE ORDER

Councilmember Navarro stated the corner property on Smith across from Paddy's was overgrown with weeds.

Councilmember Fernandez stated the decorative railing on the bridge crossing over the original Alameda creek is showing signs of rot and decay.

Vice Mayor Dutra-Vernaci stated she had received a phone call regarding a near miss accident in the crosswalk at Dyer and Smith, and questioned whether that crosswalk should be removed due to such high traffic volume.

Vice Mayor Dutra-Vernaci requested staff address the Fire Marshal concerns expressed at tonight's meeting during the budget workshop scheduled for June 11, 2009.

Mayor Green expressed his thanks for the UC Transit goodies provided by Public Works staff for distribution at a recent Pioneer School event.

Mayor Green stated he had attended a celebration of the 20th Anniversary of the Bay Trail in Hayward over the weekend.

Mayor Green stated he had attended the Hong Kong Economic Trade convention in San Francisco.

Mayor Green stated he had attended the San Francisco Women's transportation seminar in San Francisco.

Mayor Green stated he had attended the Ohlone College event honoring Steve Cho as Citizen of the Year.

Mayor Green requested staff include the status of discussions regarding salary and benefit give-and-take at the June 11 budget workshop meeting.

Mayor Green inquired about the status of fireworks planning for the 4th of July. Police Chief Stewart provided a status update stating the Highway Patrol had again offered the use of its helicopter for patrols that night.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 8:36 p.m.

Respectfully submitted,

Renee Elliott
City Clerk