

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

**TUESDAY, JUNE 23, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:25 p.m.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

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

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS

Bill Pease requested Council consider an ordinance changing the square footage requirements for residential fire sprinklers from 2500 square feet including garage to 3000 square feet including garage.

Elizabeth Ames expressed opposition to the Masonic Homes proposed development on Mission Boulevard stating increased residential development would drain the City budget due to infrastructure demands.

Kathleen Wade spoke about the economic benefits of preserving Mission Boulevard flatlands for agricultural and recreational use.

Narine Tan, a nutritionist working on the WIC program with Tiburcio Vasquez Health Clinic, requested support for union members working without an employment contract since April 2008.

V. CONSENT CALENDAR

Consent Calendar items 5.d, 5.f, 5.g, and 5.h were removed for separate consideration.

It was moved by Councilmember Navarro, seconded by Councilmember Valle, to approve Consent Calendar Items 5.a, 5.b, 5.c, 5.e, and 5.i 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 June 8, 2009, for the Regular Meeting of June 9, 2009, and the Special Meeting of June 11, 2009
- 5.c Adopted **Resolution No. 3817-09** Canceling the Regularly Scheduled City Council Meeting of August 11, 2009 (Desk item received showing draft resolution)
- 5.e Adopted **Resolution No. 3818-09** Amending the Master Fee Schedule for Fiscal Year 2009-10 (Desk item received showing pages 1 through 13 of the proposed master fee schedule)
- 5.i Adopted **RDA Resolution No. 396-09** Authorizing the Executive Director to Execute the Second Amendment to the Exclusive Negotiating Rights Agreement with Green Valley Corporation, d/b/a Barry Swenson Builder, thereby Extending the Term of the Negotiating Period to June 30, 2010

Consideration of items removed from the Consent Calendar.

- 5.d Adopt a Resolution for the Award of Professional Engineering Services Contract for the Design of Union City Boulevard (UCB) Corridor Improvements (Phase 1), City Project No. 08-02

Public Works Director Cheng responded to questions from Councilmembers, noting the project is expected to be 95% complete by January 2010.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3819-09** Awarding a Contract to TY Lin International for Professional Engineering Services for the Design of Union City Boulevard (UCB) Corridor Improvements (Phase 1), City Project No. 08-02. Motion carried unanimously.

- 5.f Adopt a Resolution Rejecting All Bids for the 2009-11 Tree Pruning & Removal Project, City Project No. 09-13

Public Works Director Cheng responded to questions from Councilmembers regarding the bid proposals received, noting the project scope was being revised and the project re-bid. It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Fernandez, to adopt **Resolution No. 3820-09** Rejecting All Bids for the 2009-11 Tree Pruning & Removal Project, City Project No. 09-13. Motion carried unanimously.

- 5.g Adopt a Resolution for the Approval of Location for a Veterans Memorial at Veterans Memorial Park

Barry Ferrier expressed concern about the lack of opportunity to provide public input on the location of the memorial. Councilmembers provided comment.

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3821-09** Approving the Location for a Veterans Memorial at Veterans Memorial Park. Motion carried unanimously.

- 5.h Adopt a Resolution Authorizing Mayor Green to Sign a Letter for the Energy Efficiency Conservation Block Grant (EECGB) Application Authorizing the City Manager to Receive Funds and Implement the EECGB Program

Staff responded to questions from Councilmembers. It was moved by Mayor Green, seconded by Vice Mayor Dutra-Vernaci, to adopt **Resolution No. 3822-09** Authorizing Mayor Green to Sign a Letter for the Energy Efficiency Conservation Block Grant (EECGB) Application Authorizing the City Manager to Receive Funds and Implement the EECGB Program. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Introduction of Ordinance for Zoning Text Amendment, AT-02-09, to amend Table 18.39.050 to Increase the Maximum Square Footage Allowed for Specialty Food Stores from 20,000 sq. ft. to 30,000 sq. ft. in the Union Landing Commercial (CUL) Zoning District and Adopt a Resolution Approving Use Permit, UP-05-09, to Establish a Specialty Food Store, Smart & Final Extra!, at 31070 Dyer Street (APN: 463-060-22-05)

Planning Manager Campbell presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Barry Ferrier expressed support for the project as a regional draw and source of sales tax revenue. Terry Pries and Thomas Marino spoke in favor of the project and responded to questions from Councilmembers. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to:

- Conduct the public hearing;
- Introduce an Ordinance Amending Title 18, Zoning, of the Municipal Code to Amend Table 18.39.050 to Increase the Maximum area for Specialty Food Stores from 20,000 to 30,000 square feet within the Union Landing Commercial Zoning District (Zoning Text Amendment, AT-02-09); and,
- Adopt **Resolution No. 3823-09** Approving Use Permit, UP-05-09, to Establish a Smart & Final Extra! Store on Property Located at 31070 Dyer Street, and revising Condition of Approval No. 20 to read as follows: "Prior to **final inspection of** building permit ~~issuance~~ for tenant improvements, applicant shall...".

Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution of the City Council of the City of Union City Establishing an Appropriations Limit for Fiscal Year 2009-10; Adopt a Resolution of the City Council of the City of Union City Approving the Operating Budget for Fiscal Years 2009-10 through

2010-11 and the Five-Year Capital Improvement Plan for Fiscal Years 2009-10 through 2013-14; Adopt a Resolution of the City Council of the City of Union City Approving Modifications to the Operating Budget for Fiscal Year 2008-09; and Adopt a Resolution of the Community Redevelopment Agency of the City of Union City Approving the Agency Budget for Fiscal Years 2009-10 through 2010-11

City Manager Cheeves presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment.

Mark Spindler spoke about the benefits of maintaining the COPS unit in the Police Department.

Carmen Lin expressed support for the COPS unit, and requested Council never eliminate the program.

Mary Schlarb, CORE member, requested a few moments in memory of those residents who had lost their lives as the result of violence, and expressed support for adequate compensation and benefits for outreach workers helping youth.

Jerico Abanico, member of the Youth Violence Coalition, expressed appreciation for Council's support, and requested adequate compensation and benefits be provided for outreach workers helping youth.

It was moved by Mayor Green, seconded by Councilmember Navarro, to approve the fiscal plan for the City and:

- Adopt **Resolution No. 3824-09** Establishing an Appropriations Limit for Fiscal Year 2009-10;
- Adopt **Resolution No. 3825-09** Adopting the Operating Budget for Fiscal Years 2009-10 through 2010-11 and Approving the Five-Year Capital Improvement Plan for Fiscal Years 2009-10 through 2013-14, as revised to include \$168,766 in FY 2009-10, and \$168,581 in FY 2010-11, for the addition of one (1) COPS Police Officer in the Police Department per Council direction, and 59% of this position is to be funded by the General Fund and 41% funded by the CFD 2006-1 Fund;
- Adopt **Resolution No. 3826-09** Amending the Operating Budget for Fiscal Year 2008-09 and the Capital Improvement Plan for Fiscal Year 2008-09; and,
- Adopt **RDA Resolution No. 397-09** Adopting the Agency Budget for Fiscal Years 2009-10 through 2010-11.

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

Mayor Green recessed the meeting at 8:40 p.m.

Mayor Green reconvened the meeting at 9:04 p.m.

- 7.b Adopt a Joint Resolution of the City and Redevelopment Agency of Union City Authorizing the City Attorney/Redevelopment Agency General Counsel to Cooperate with the League of California Cities, the California Redevelopment Association, Other Cities and Counties in Litigation Challenging the Constitutionality of any Seizure by State Government of the City's Street Maintenance and Redevelopment Funds

City Manager Cheeves presented the staff report and responded to questions from Councilmembers. It was moved by Councilmember Navarro, seconded by Councilmember Valle, to adopt a Joint Resolution, **Council Resolution No. 3827-09** and **RDA Resolution No. 398-09**, Authorizing the City Attorney/Redevelopment Agency Counsel to Cooperate with the League of California Cities, the California Redevelopment Association, Other Cities and Counties in Litigation Challenging the Constitutionality of Any Seizure by State Government of the City's Street Maintenance and Redevelopment Funds. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Barry Ferrier announced an ACTIA South County transportation forum meeting was scheduled for July 23, 2009 at the senior center. Barry Ferrier commended Council and staff on the smooth budget process.

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

Vice Mayor Dutra-Vernaci provided an update on several Housing Authority items including:

- low bids were received for the 36-unit Mission View project, and the extra money will be used to replace windows and entry and patio doors, gutters and downspouts
- additional federal capital funds are available and an application has been submitted to fund improvements addressing the needs of the elderly and/or persons with disabilities
- the Housing Authority has awarded 30-35 vouchers for the Mid-Peninsula project
- there is a trend indicating a decrease in Section 8 contracts in Union City (May 2007: 776 units; May 2008: 722 units; May 2009: 685 units), and a meeting with Housing Authority staff has been set for signing a document to convert 58 housing units to Section 8 in order to secure a better funding deal from HUD.

Vice Mayor Dutra-Vernaci reported on various League of California Cities items including a conference call with the League for a special budget briefing, and an

upcoming local government summit on governance and fiscal reform scheduled for July 17 and 18 in Sacramento.

Mayor Green reported participating in an EBRPD helicopter tour along the Bay Trail in South County, noting there is enthusiasm and support for getting a bridge across the Alameda Creek about a mile west of Union City Boulevard.

Mayor Green stated he would be having lunch with Chabot College representatives to discuss their new plan to come to Union City.

Mayor Green stated the recent Chamber of Commerce "Meet Your City Officials" event was well attended.

XIV. GOOD OF THE ORDER

Councilmember Valle inquired about the status of boarded houses on 2nd and E Streets and 3rd and E Streets. City Manager Cheeves stated staff would look into the matter and report back.

Councilmember Valle complemented staff on the good work performed on Alvarado-Niles Road, noting the delays were not as bad as anticipated.

Councilmember Valle stated the summer youth employment program was scheduled to begin June 29. Deputy City Manager Acosta provided a brief status update of the program noting mid-July was a more likely start date.

Councilmember Valle volunteered to facilitate a meeting with representatives of the Historical Museum to discuss changes coming their way due to budget cuts.

Councilmember Valle announced a 4th of July event was scheduled at Veterans Memorial Park beginning at 10:00 a.m.

Vice Mayor Dutra-Vernaci reported having attended the Teen Workshop 35th Anniversary event at the community garden.

Vice Mayor Dutra-Vernaci stated a resident on Veasy Street had expressed concern about used tires being dumped onto city property, as well as weeds on the road out to the property which should be abated before the upcoming 4th of July holiday.

Vice Mayor Dutra-Vernaci distributed copies of a Tri-City Voice insert announcing upcoming events celebrating Union City's 50th Anniversary.

Mayor Green inquired about the status of a TOD application for a \$15M grant to help open the backside of BART. City Manager Cheeves provided a status update stating the City was originally told it had not made the cut, but that the Board would be looking at all of the projects that applied. City Manager Cheeves stated staff had sent a letter today containing an appeal to consider our proposal on all merits. Community and Economic Development Director Malloy stated staff and Barry Swenson Builder and Mid Peninsula Housing would attend a meeting on Monday to speak on behalf of the City's application and present exhibits to the Board for further consideration.

Mayor Green inquired about an award from Alameda County Water District for water conservation. Public Works Director Cheng stated the City would be receiving a certificate which can be displayed in the trophy case.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 9:26 p. m.

Respectfully submitted,

Renee Elliott
City Clerk