

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

**TUESDAY, AUGUST 25, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:00 P.M.

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:15 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 in the 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

3.a Proclamation Honoring the Athletes from the 2009 Union City Dynasty Girls Softball Team

Mayor Green read the proclamation aloud and presented it to the players and coaches of the Union City Dynasty Girls Softball team.

3.b Proclamation Designating September 21-27, 2009 as No Drugs Down the Drain Week

Mayor Green read the proclamation aloud and presented it to Union Sanitary District Board and staff members.

3.c Resolution Honoring and Thanking the Chapel of the Chimes Funeral Home of the Lifemark Group for their Generosity and Community Support of the Services for Baby Matea Esperanza

Mayor Green read the resolution aloud and presented it to representatives of Chapel of the Chimes Funeral Home of the Lifemark Group.

- 3.d Resolution Honoring and Thanking Fremont Flowers for their Generosity and Community Support of the Services for Baby Matea Esperanza

Mayor Green read the resolution aloud and presented it to representatives of Fremont Flowers.

- 3.e Resolution Honoring and Thanking The House of Flowers for their Generosity and Community Support of the Services for Baby Matea Esperanza

Mayor Green read the resolution aloud and presented it to The House of Flowers representatives.

- 3.f Resolution Honoring and Thanking the Union City Babies "R" Us for their Generosity and Community Support of the Services for Baby Matea Esperanza

Mayor Green read the proclamation aloud and presented it to Union City Babies "R" Us representatives.

- 3.g Resolution Honoring and Thanking Reverend Albert Valencia for his Leadership, Generosity, and Support of the Services for Baby Matea Esperanza

Reverend Valencia was unable to attend, so the presentation of his resolution will be rescheduled to a future Council meeting.

- 3.h Resolution Honoring and Thanking the Employees of the Union City Police Department for their Caring, Generosity and Support of the Services for Baby Matea Esperanza

Mayor Green read the resolution aloud and presented it to Police Sergeant Javier Diaz, who accepted the resolution on behalf of all Union City public safety employees.

IV. ORAL COMMUNICATIONS - None

V. CONSENT CALENDAR

It was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Fernandez, to approve consent Items 5.a through 5.d 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 Regular Meeting of July 28, 2009
- 5.c Adopted **Resolution No. 3855-09** Awarding a Contract for the Operations and Maintenance of Union City Transit and Paratransit to MV Transportation, Inc.
- 5.d Adopted **Resolution No. 3856-09** Approving the Purchase of Two Hybrid Sedans, City Project No. 09-18, and Awarding a Contract to Fairfield Toyota

VI. PUBLIC HEARINGS

- 6.a Introduction of Ordinance for Municipal Code Amendment, AT-04-09, to Amend Chapter 15.76, Green Building and Landscaping Practices, of the Union City Municipal Code to Establish Mandatory Green Building Requirements for Private Development Projects and Modify the Current Green Building and Landscaping Requirements for Publicly Funded Projects; and Adoption of a Resolution Repealing the Voluntary Green Building and Landscaping Practices in Private Development Projects Standards Policy Statement

Planning Manager Campbell 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 Councilmember Valle, to hold the public hearing (there were no speakers on the matter); introduce the Ordinance Amending Chapter 15.76, Green Building and Landscaping Practices, to Establish Mandatory Green Building Requirements for Private Development Projects and to Modify the Current Green Building and Landscaping Requirements for Publicly Funded Projects; and, adopt **Resolution No. 3857-09** Repealing the Voluntary Green Building and Landscaping Practices in Private Development projects Standards Policy Statement. Motion carried unanimously.

- 6.b Introduction of Ordinance for Zoning Text Amendment, AT-03-09, to Amend Chapter 18.40 Article II of the Municipal Code, the ML (Light Industrial) Zoning District Regulations, Generally as Follows: (1) To Modify the Permitted Uses and Performance Standards to Restrict Outdoor Storage under Specified Circumstances; (2) To Require that Specified Uses Provide Office and Employee Facilities in a Completely Enclosed Building; and (3) To Provide for Amortization of Nonconforming Uses in the Redevelopment Project Area

Associate Planner Schultz presented the staff report and responded to questions from Councilmembers. Councilmember's provided comment.

Mayor Green opened the public hearing.

Richard Johnson, California Mortgage Realty Inc., spoke in opposition to the proposed ordinance.

Rob Higgins of Townsend Commercial Real Estate spoke in opposition to the proposed ordinance.

Ken and Diane Bertelson spoke in opposition to the proposed ordinance.

There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Vice Mayor Dutra-Vernaci, seconded by Mayor Green, to hold the public hearing and introduce an Ordinance Amending Chapter 18.40 Article II, the ML (Light Industrial) Zoning District Regulations, Generally as Follows: (1) to Modify the Permitted Uses and Performance Standards to Restrict Outdoor Storage Under Specified Circumstances; (2) to Require that Specified Uses Provide Office and Employee Facilities in a Completely Enclosed Building; and (3) to Provide for

Amortization of Nonconforming Uses in the Redevelopment Project Area (Zoning Text Amendment AT-03-09), with the following modifications to Exhibit A:

- Add language to 18.40.250 specifying that unless an outdoor storage component is listed as part of a specific use, outdoor storage is not permitted.
- Add market conditions as a consideration for amortization.
- Add language at the end of 18.40.270.D.2 to state the Director's estimates of all costs and valuations required by the section will be determined by a third party independent report.

Motion carried unanimously.

VII. CITY MANAGER REPORTS

7.a Report to City Council on the Association of Bay Area Government's Multi-Jurisdictional Local Hazard Mitigation Plan

Economic & Community Development Director Malloy presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment on the Multi-Jurisdictional Local Hazard Mitigation Plan, and stated community meetings should be held prior to September 30, 2009, to educate residents regarding measures they can take to mitigate a natural disaster, and to solicit feedback from the community. Staff will incorporate Council recommendations in its complete response to ABAG, due by September 30, 2009.

7.b Adopt a Resolution to Accept and Appropriate One-Million, Four-Hundred Ninety-Four Thousand, Nine-Hundred Ninety-Two Dollars (\$1,494,992) in Grant Funding from the American Reinvestment and Recovery Act for the Hiring of Four Police Officers

Police Chief Stewart presented the staff report and responded to questions from Councilmembers. Administrative Services Director Digre provided additional information regarding budget impacts, and responded to questions from Councilmembers.

It was moved by Councilmember Valle, seconded by Councilmember Navarro to adopt **Resolution No. 3858-09** to:

1. Accept the COPS Hiring Recovery Program (CHRP) grant award of one million, four hundred ninety-four thousand, nine hundred ninety-two dollars (\$1,494,992) to replace four (4) of the vacated police officer positions from the United States Department of Justice under the American Reinvestment and Recovery Act; and
2. Appropriate the first two years of the COPS Hiring Recovery Program (CHRP) grant award totaling nine hundred seventy-six thousand, nine hundred fifty-six dollars (\$976,956) for three police officers and one police sergeant position to replace two COPPS officers, one COPPS Sergeant, and one School Resource Officer (SRO); and
3. Amend the City Personnel Allocation Plan adding three (3) additional Police Officer positions and one (1) additional Police Sergeant position; and

4. Appropriate one hundred thirty-seven thousand, nine hundred ninety-six dollars (\$137,996) in Fiscal Year 2009-2010 and one hundred sixty-nine thousand, forty-eight dollars (\$169,048) in Fiscal Year 2010-2011 to fund the difference between the CHRP Grant Award and the actual costs of the personnel hired and reassigned; and
5. Approve staff negotiations with the New Haven Unified School District on the partial funding of the SRO position for 3-years and full funding of the position in the fourth year of the grant award.

Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Barry Ferrier stated the lights were extinguished earlier than usual at the basketball courts on school district property along Alvarado-Niles Road, and requested the City and New Haven Unified School District staff look into keeping the courts lit longer perhaps through the use of Measure UU funds.

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 he would be attending an Associated Community Action Program meeting in Hayward on Wednesday.

Councilmember Navarro reported attending an event at the Sikh Temple honoring a temple member whose book had been published.

Councilmember Navarro reported attending a Sister City event at the Ruggieri Senior Center.

Mayor Green stated CMA and ACTIA merger talks were ongoing.

Mayor Green stated he would be attending an ABAG meeting on Friday.

XIV. GOOD OF THE ORDER

Councilmember Navarro stated a ground light was broken in the new landscaping on Alvarado Boulevard.

Councilmember Valle announced a short memorial ceremony is scheduled on Labor Day, September 7, at the Veterans Memorial Park, where flags will be raised and will remain flying.

Vice Mayor Dutra-Vernaci inquired about plans for City employees to be inoculated against the H1N1 swine flu virus. Fire Chief Rodriguez said the City was working with county health officials regarding flu shots, including the H1N1 variety. Fire Chief Rodriguez stated the City's EMS Coordinator was working on a campaign to inform citizens as well, but no definite plans are in place yet.

Vice Mayor Dutra-Vernaci stated the light pole at the corner of Grainger and Watkins was out.

Mayor Green stated the appraisal had been received for property on the west side of town, and stated the Liberty Park people should be contacted.

Mayor Green inquired about the status of the Fire Department study. City Manager Cheeves provided a brief update stating a preliminary draft proposal had been received, and a meeting with Alameda County Fire management had taken place. Staff had asked for additional information which is anticipated shortly. Staff will begin a comprehensive analysis of the proposal when that information is received. Since the proposed costs hinge on whether or not both our city and the City of Newark decide to contract for services, we will coordinate the submittal of the proposals to the respective councils. This will likely not occur before the Newark municipal election in November.

Mayor Green stated information was due from our Economic & Community Development department to the Department of Commerce by October 8.

Mayor Green stated the City would be working with the Census Department to encourage people in Union City to be counted in the 2010 census.

Mayor Green stated the City was one of three cities in Alameda County not contributing financially to the 2-1-1 County Social Services phone line, and stated money should be identified to support funding \$25,000 or a portion of it. City Manager Cheeves stated that the City had completed its two-year commitment to the 2-1-1 service, but that Eden Information and Referral had not been able to find replacement funding since that time. City Manager Cheeves will conduct a survey to review how many 2-1-1 calls are received from Union City residents, and would present a proposal to Council based upon survey results.

Mayor Green stated flexibility was needed for weekend hours of operation at the Union City Sports Center, suggesting 8 to 1 would provide an additional hour of service in the afternoon on one of the weekend days.

Mayor Green stated several events he attended had gone well at the Department of Commerce, Chinese Athletic Federation, and the Sikh event at CSUEB, noting the track at CSUEB was in poor condition.

Mayor Green stated he had enjoyed the National Night Out event.

Mayor Green inquired about the status of hiring staff for the youth violence prevention program. Deputy City Manager Acosta provided a brief update stating three of the six new positions had been filled, and it was expected all staffing levels would be filled by the end of September. Deputy City Manager Acosta also reported that an anti-violence 'speak out'

event is scheduled for the Friday before Labor Day at Paddy's Coffee House, beginning at 6:00 p.m.

Mayor Green inquired about the status of the Masonic development time schedule. Economic & Community Development Director Malloy stated the Planning Commission had been briefed regarding a refined land use plan, and a public meeting is scheduled for Wednesday, September 2, to receive comments about the EIR. Staff will bring the matter back to Council on September 8, to report on the current land use plan being proposed by Masonic Homes, including an update on the comments received at the public meeting.

Mayor Green inquired about the status of the Turk Island project. Economic & Community Development Director Malloy stated a technical report was under review by the Regional Quality Control Board.

Mayor Green inquired if information had been provided for a feature article regarding Kennedy Park and Seven Hills Park. Deputy City Manager Acosta stated staff would be forwarding the information forthwith.

Mayor Green inquired about the status of the September 11 event. Deputy City Manager Acosta stated Michael Emerson had accepted the City's invitation to serve as Master of Ceremonies and event planner for the Flight 93 Memorial event.

Deputy City Manager Acosta invited everyone to attend the 50th Anniversary event on Saturday, September 12, from 5:45 p.m. to 10:30 p.m., which will include a concert and fireworks extravaganza at the Logan High School stadium.

Councilmember Valle exited the Council Chambers at 9:38 p.m.

Mayor Green adjourned the regular meeting to Closed Session at 9:52 p.m.

XV. CLOSED SESSION

15.a CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

Agency designated representatives:

Larry Cheeves, Tony Acosta, Rich Digre

Employee organizations:

International Association of Firefighters, Local 1946 (IAFF)

Management Employees Group (MEG)

Professional Employees Group (PEG)

Service Employees International Union, Local 1021 (SEIU)

Union City Police Management Association (UCPMA)

Union City Police Officer's Association (UCPOA)

Mayor Green called the Closed Session to order at 9:55 p.m.

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

Absent: Councilmember Valle

XVI. ADJOURNMENT

Mayor Green adjourned the closed session at 10:20 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk