

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

**TUESDAY, JANUARY 26, 2010
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

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

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:31 p.m.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Vice Mayor Valle, Mayor Green
Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Recognizing January 2010 as National Blood Donor Month

Mayor Green read the proclamation aloud and presented it to Donor Recruitment Account Manager Ed Faso of the American Red Cross.

3.b Resolutions Recognizing the 2009 Employee of the Year Recipients

*Teresa Garcia, General Government
Steve Mendez, Public Safety
Laurie Radovich, Public Works Maintenance/Leisure Services/Transit*

Mayor Green read the resolutions aloud and presented them to each of the 2009 *Employee of the Year* recipients.

3.c Resolution Honoring David Williams upon His Retirement for His Years of Service to the City of Union City

Mayor Green read the resolution aloud and presented it to David Williams.

IV. ORAL COMMUNICATIONS

Elizabeth Ames stated not enough information was made available to the public for the January 21, 2010, Planning Commission study session regarding Masonic Homes Flatlands Project.

Mattie Rousseau expressed concern that a bus parked at 2424 Almaden was obstructing the view for drivers rounding the corner. Ms. Rousseau also expressed concern that motorcycle and auto repair business was being conducted in residential neighborhoods. City Manager Cheeves referred the matter to staff for follow-up.

Steve Soderstrom expressed concern that traffic issues were not being adequately addressed during the study session regarding Masonic Homes Flatlands Project.

V. CONSENT CALENDAR

Consent Item 5.q was removed from the Consent Calendar.

It was moved by Vice Mayor Valle, seconded by Councilmember Fernandez, to approve Consent Items 5.a through 5.p 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 and Regular Meetings of January 12, 2010
- 5.c Rejected Claim No. 792, submitted by Shekeba Hamid and CSAA Inter-Insurance Bureau, as Recommended by the City's Claims Administrator
- 5.d Rejected Claim No. 793, Submitted by Imelda Fernandez, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 795, Submitted By David De Los Reyes, as Recommended by the City's Claims Administrator
- 5.f Approved the Second Reading and Adopted **Ordinance No. 728-10** Approving Zoning Text Amendment (AT-07-09) Amending Title 18, Zoning, of the Municipal Code to Regulate the Distribution of Tobacco Products and the Establishment of Cigarette Stores/Tobacco Retail Stores and Drug Paraphernalia Establishments/Head Shops (Introduced January 12, 2010)
- 5.g Adopted **Resolution No. 3925-10** Accepting Improvements for the Whipple Road/Alvarado-Niles Road Pavement Rehabilitation Project, City Project No. 09-14
- 5.h Adopted **Resolution No. 3926-10** Accepting Work for the Fire Station No. 3, City Project No. 03-05
- 5.i Adopted **Resolution No. 3927-10** Accepting and Appropriating Community Development Block Grant – Recovery (CDBG-R) Program Funds from the United States Department Of Housing And Urban Development To Fund The Housing Rehabilitation/Weatherization And Energy Efficiency Program
- 5.j Adopted **Resolution No. 3928-10** for the Authorization to Auction Certain Vehicles as Surplus

- 5.k Adopted **Resolution No. 3929-10** Amending the 09/10 and 10/11 Capital Outlay Budgets Authorizing Advancement of DIPSA Capital Funding from the 10/11 Capital Outlay Budget to the 09/10 Capital Outlay Budget for the Purchase of Air Filtration Canisters and Fit Testing of Respirators
- 5.l Adopted **Resolution No. 3930-10** Approving Final Tract Map 8029 for a One Lot Subdivision for Condominium Purposes Consisting of 8 Condominium Units, and Adopted **RDA Resolution No. 416-10** Authorizing and Directing the Executive Director of Redevelopment Agency to Act on Behalf of the Agency to Approve and Execute the Owner's Statement of Final Tract Map 8029
- 5.m Adopted **Resolution No. 3931-10**, and **RDA Resolution No. 417-10**, Accepting the Comprehensive Annual Financial Report (CAFR) and Other Required Reports
- 5.n Adopted **Resolution No. 3932-10** Accepting and Appropriating Energy Efficiency and Conservation Block Grant Funds Provided by the American Recovery and Reinvestment Act of 2009
- 5.o Adopted **Resolution No. 3933-10** Approving a Contract with IEDA of Emeryville to Provide Labor and Employee Relations Services and Funding an Amount Not to Exceed \$40,000 for Calendar Year 2010
- 5.p Adopted **Resolution No. 3934-10** Approving Payment of ACWD Charges in the Amount of \$93,679.39 for Water Main Extension at 11th Street, City Projects No. 01-36 and 05-09

Consideration of Item 5.g removed from the Consent Calendar.

- 5.q Adopt a Resolution Selecting the Artist and Art Proposal for the Union City Sports Center and Authorize the City Manager to Enter Into an Agreement for the Execution and Installation of the Public Art

Mayor Green stated a work session had been held earlier in the evening to consider the five proposals submitted by the following artists:

Adrian Litman	Robert W. Ellison
Gordon Huether	Representatives of Robert Holmes
Saori Ide and Jonathan Russell	

Councilmembers provided comment.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3935-10** Selecting Saori Ide and Jonathan Russell as the Artists and Art Proposal for the Union City Sports Center and Authorizing the City Manager to Enter into an Agreement for the Execution and Installation of the Public Art. The proposal chosen by the City Council was the single "Circle of Life", to be illuminated from within, and community input is to be included in selecting the inlaid silhouette images of people actively engaged in all different kinds of sports. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Continued Public Hearing to Adopt Resolutions by the City Council to: (1) Authorize the annexation of territory to Community Facilities District No. 2006-1 and authorize the levy of a special tax and submitting the levy of tax to the qualified electors, (2) Call a special

election and submit to the voters of Annexation No. 3 (Acacia Creek) of the City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 3 (Acacia Creek) to finance public services, and the establishment of an appropriations limit, and (3) Make certain findings, certifying the results of an election and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 3 (Acacia Creek)

Management Analyst Sprotte presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. The City Clerk acknowledged that:

- notice of the public hearing had been published on January 13, 2010
- since less than 12 persons were registered to vote within the territory of the proposed District, the vote would be by the landowners of the proposed annexation area
- each landowner had submitted an executed Consent and Waiver, waiving noticing and election requirements in connection with the Mello-Roos Community Facilities Act of 1982
- no written protests were received from the landowners within the annexation area and, therefore, a majority protest did not exist.

There were no speakers in opposition to the matter. It was moved by Mayor Green, seconded by Vice Mayor Valle, to close the public hearing. Motion carried unanimously.

The City Clerk acknowledged that 100% of the Consent and Waivers had been received and that the special election could be conducted. Mayor Green stated that, because a majority protest did not exist, it was appropriate for the City Council to consider resolutions regarding the annexation of territory and to call a special election within the annexation area.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3936-10** authorizing the annexation of territory to Community Facilities District No. 2006-1, and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors. Motion carried unanimously.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3937-10** calling a special election and submitting to the voters of Annexation No. 3 (Acacia Creek) of City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 3 (Acacia Creek) to finance public services, and the establishment of an appropriations limit. Motion carried unanimously.

Mayor Green asked if there were any further ballots to be submitted to the City Clerk. Hearing none, the City Clerk proceeded to canvass the ballots as follows:

- verified the information on the sealed ballot return envelope
- opened the ballot return envelope and counted the votes
- executed the Certificate of Election Official Statement of Votes Cast
- reported the election results as follows:
 - On Proposition A, 11 votes were cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition A was approved with a 100% vote in favor.

- On Proposition B, 11 votes were cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition B was approved with a 100% vote in favor.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3938-10** making certain findings, certifying the results of the election, and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 3 (Acacia Creek). Motion carried unanimously.

VII. CITY MANAGER REPORTS

7.a Recommendations for Council Discussion and Appointment of Council Members to an Ad Hoc Community Task Force to Provide Recommendations for a Decoto Area Family & Youth Resource Center

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. Administrative Services Director Digre responded to questions regarding the City's current and projected fiscal condition.

By consensus the City Council:

- Appointed Vice Mayor Valle and Councilmember Dutra-Vernaci to serve as co-chairpersons of the Ad Hoc Task Force for a Decoto area Family & Youth Resource Center
- Directed staff to include the following groups or individuals in the Task Force:
 - COR (1)
 - Filipino Advocates for Justice (formerly FAA) (1)
 - New Haven Unified District School Board (2)
 - Human Relations Commission (1)
 - Youth Commission (1)
 - Parks & Recreation Commission (1)
 - Planning Commission (1)
 - Youth Members from Logan High School (1) and Cabello Elementary School (1)
 - City Staff – Deputy City Manager, Leisure Services Manager, and Youth & Family Services Manager (3)

7.b Report with Options and Recommendations For a 2010 Utility Users Tax Measure

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers.

Councilmembers provided preliminary feedback to staff and, by consensus, selected November 2010 as the election at which the proposed Utility Users Tax would be placed on the ballot. Staff will return with a report and additional information regarding the following items:

- Tax rate (2.75% or other)
- Tax base (which utilities UUT applies to)
- Duration (6 years, or other)
- Exemptions (low income)
- Maximum tax amount (cap) of \$15,000 per year

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS - None

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 Dutra-Vernaci reported attending a Housing Commission meeting, and stated the City of Albany would be having a new representative to the commission.

Councilmember Dutra-Vernaci reported attending a League of California Cities meeting where the speaker was a Contra Costa County Supervisor who spoke regarding the delta water situation.

Councilmember Navarro reported attending an Oakland Airport Noise Forum meeting with Emily Duncan, and the topic under discussion was a new procedure for direct approach landings, rather than staged approach landings, for the airplanes.

Councilmember Fernandez stated he would be attending a Waste Management Authority meeting on Wednesday on the Mayor's behalf.

Mayor Green stated he will represent ABAG by attending a legislative reception on Wednesday in Sacramento for the California Council of Governments.

Mayor Green stated he had attended an ABAG meeting in Oakland today regarding the 2010 economic outlook.

Mayor Green stated he would be attending a meeting on Thursday regarding continuing discussions of a CMA and ACTIA merger.

Mayor Green stated he had attended a Mayors Conference meeting in Livermore with City Manager Cheeves which focused on their new Performing Arts Center.

XIV. GOOD OF THE ORDER

Councilmember Dutra-Vernaci expressed her appreciation to Public Works staff for their quick work to fill pot holes after the recent heavy rains.

Councilmember Dutra-Vernaci stated she had received a letter from the Department of Health and Human Services regarding a national health and nutrition survey it would be conducting with 415 people within Alameda County.

Vice Mayor Valle requested staff from the police explorers program be utilized for traffic control at the May 22 grand opening event for the Performing Arts Center at Logan High School.

Mayor Green adjourned the regular meeting to closed session at 8:56 p.m.

XV. CLOSED SESSION

Mayor Green convened the Closed Session with the following attendance:

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

The following Closed Session item was added by a 4-0 vote (Vice Mayor Valle was absent):

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to Government Code Section 54956.9)

Angelique Paige v. New Haven Unified School District, et al.

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: Service Employees International Union, Local 1021 (SEIU)

XVI. ADJOURNMENT

Mayor Green adjourned the closed session at 9:50 p.m.

Respectfully submitted,

Renee Elliott
City Clerk