

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

**TUESDAY, MARCH 9, 2010
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:05 p.m.

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

The National Anthem was played by Fremont Symphony Orchestra Principal Trumpeter Carole Klein.

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Celebrating March 2010 as American Red Cross Month

A representative from the American Red Cross was unable to attend. Mayor Green announced the proclamation would be presented at a future time.

3.b Presentation and DVD Showing of Children's Concerts by Fremont Symphony Orchestra

Fremont Symphony Orchestra General Manager Susan Rose, and Conductor David Sloss, presented a DVD showing children's concerts performed by the Fremont Symphony Orchestra, and requested support for the Fremont Symphony Orchestra.

Mayor Green stated Councilmember Fernandez and Vice Mayor Valle, as members of a joint City-School partnership committee that meets with the New Haven School District quarterly, will discuss schools within the district participating in the Fremont Symphony Orchestra's Children's Concerts program.

IV. ORAL COMMUNICATIONS

Doug Abbott and Douglas Abbott spoke regarding the Sunday opening time at the Union City Sports Center.

Mayor Green and the Council directed staff to explore options to reallocate current hours of operation to allow for an additional hour on Sunday mornings.

V. CONSENT CALENDAR

It was moved by Vice Mayor Valle, seconded by Councilmember Navarro, to approve Consent Calendar items 5.a through 5.j, 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 February 23, 2010
- 5.c Approved Minutes for the Special Work Session of February 25, 2010
- 5.d Rejected Claim No. 801, submitted by Dong Hoon Cho, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 802, Submitted by Jeanne Marie Iverson, as Recommended by the City's Claims Administrator
- 5.f Adopted **Resolution No. 3953-10** for the Acceptance of Alvarado Boulevard Median Improvements, City Project No. 05-26
- 5.g Adopted **Resolution No. 3954-10** Approving the Formation of the Mitigation Monitoring Committee (MMC) for the East-West Connector Project (Route 84, Option 2)
- 5.h Adopted **Resolution No. 3955-10** to Accept and Appropriate Funds Awarded by the Federal Transit Administration (FTA) Capital Replacement Program by the Metropolitan Transportation Commission (MTC) for the Purchase of Six New Compressed Natural Gas (CNG) Transit Vehicles to the Transit Vehicle Replacement Account
- 5.i Adopted **Resolution No. 3956-10** to Accept and Appropriate American Recovery and Reinvestment Act of 2009 (ARRA) Funds Awarded by the Federal Transit Administration (FTA) for the Purchase of Two New Compressed Natural Gas (CNG) Transit Vehicles to the Transit Vehicle Replacement Account
- 5.j Adopted **Resolution No. 3957-10** Approving the Sale of Certain Equipment Declared as Surplus

Agenda Item 7.a was taken out of order and considered at this time. (For minutes of action taken, see 7.a on page 4 of these minutes.)

VI. PUBLIC HEARINGS

- 6.a Introduce an Ordinance for Zoning Text Amendment (AT-02-10) to Modify Chapter 18.39 of the Municipal Code to Permit Retail Stockbrokerage Offices in the Office Commercial Sub-area and Conditionally Permit Retail Stockbrokerage Offices in the

Sub-regional Specialty Commercial Sub-area of the Union Landing Commercial Zoning District

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 Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to hold a public hearing (there were no speakers on the matter), waive reading the full text of the ordinance, and introduce an ordinance for Zoning Text Amendment (AT-02-10) to modify Chapter 18.39 of the Municipal Code to permit retail stockbrokerage offices in the Office Commercial Sub-area, and conditionally permit retail stockbrokerage offices in the Sub-regional Specialty Commercial Sub-area of the Union Landing Commercial Zoning District. Motion carried unanimously.

- 6.b Adopt a Resolution Approving Use Permit (UP-01-10) to Allow Scottrade, a Retail Stockbrokerage Office, to Locate at 31047 Courthouse Drive in the Sub-regional Specialty Commercial Sub-area of the Union Landing Commercial District

Associate Planner Schultz presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. John Pappas, Pappas Investments, expressed appreciation to Council and staff for their support. Mayor Green closed the public hearing.

It was moved by Councilmember Fernandez, seconded by Vice Mayor Valle, to hold a public hearing and adopt **Resolution No. 3959-10** Approving Use Permit (UP-01-10) to Allow Scottrade to locate at 31047 Courthouse Drive. The Use Permit is not effective until 30 days from the second reading for Zoning Text Amendment AT-02-10. Motion carried unanimously.

- 6.c Adopt a Resolution (1) Authorizing the City of Union City to Join the CaliforniaFIRST Program; (2) Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings, and Levy Contractual Assessments Within the Territory of Union City; and (3) Authorizing Related Actions

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 Councilmember Navarro, to hold a public hearing (there were no speakers on the matter), and adopt **Resolution No. 3960-10** (1) Authorizing the City of Union City to Join the CaliforniaFIRST Program, (2) Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings, and Levy

Contractual Assessments within the Territory of the City, and (3) Authorizing Related Actions. Motion carried unanimously.

VII. CITY MANAGER REPORTS

Vice Mayor Valle recused himself from consideration of Item 7.a as a member of the Tri-CED Board of Directors, and exited the Council Chambers at 7:36 p.m.

- 7.a Adopt a Resolution Approving the Re-programming of Two Hundred Fifty Thousand Dollars (\$250,000) of Import Mitigation Funds Received from the Alameda County Waste Management Authority from the Tri-CED Educational Facility Project to the Tri-CED T.R.E.E. Trailer Project, Subject to Approval by the Alameda County Waste Management Authority

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

The following individuals presented a PowerPoint presentation in support of the proposed resolution:

Tri-CED employees Mangee Austria and Maria Long
Searles Elementary 4th grade teacher Vince Rosato
New Haven Unified School District Administrator Dr. Tasha Dean

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3958-10** approving the Re-Programming of Two Hundred Fifty Thousand Dollars (\$250,000) of Import Mitigation Funds Received from the Alameda County Waste Management Authority from the Tri-CED Educational Facility Project to the Tri-CED T.R.E.E. Trailer Project, subject to Approval by the Alameda County Waste Management Authority.

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

Vice Mayor Valle returned to the Council Chambers at 7:54 p.m.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

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 Valle stated a City/School Partnership Joint meeting is scheduled for Monday, March 15, at 5:30 p.m. at City Hall. Vice Mayor Valle stated he would like to include on the meeting agenda a discussion of the Fremont Symphony's Children's Concerts program. Staff will contact the school district about adding the topic to the agenda, and will invite speakers from the Fremont Symphony to attend.

Mayor Green stated he traveled to Washington D.C. last week with CMA/ACTIA to discuss transit issues with elected officials.

13.b Referral from Mayor Green: Discussion and Approval of Resolution for an End to Death Sentences in Alameda County

Mayor Green discussed the economic issues related to death sentences sought by the District Attorney's office in Alameda County.

Alameda County District Attorney Nancy O'Malley expressed opposition to the issues raised in the proposed resolution for an end to death sentences in Alameda County.

The following individuals expressed support for approving a resolution for an end to death sentences in Alameda County:

Patty Leal
William Dean (ACLU)
Tom Ford (ACLU)
Sarabjit Cheema
Natasha Mintzger (Alameda County Coalition)

Steve Sodorstrom expressed support for continuing to seek death sentences in Alameda County.

Councilmembers provided comment.

It was moved by Mayor Green to adopt a resolution for an end to death sentences in Alameda County. The motion died for lack of a second.

Councilmember Dutra-Vernaci requested the DA's office forward statistical information regarding this issue.

XIV. GOOD OF THE ORDER

Councilmember Fernandez requested Public Works vehicles drive more cautiously on the trails in the park and creek areas, keeping vehicles on the paved roadway and avoiding driving on the dirt and grass which causes disruption to irrigation.

Councilmember Dutra-Vernaci stated she was contacted by a Union City resident who lives on 11th Street and expressed concern regarding the speed at which drivers take the left turn from Decoto Road to 11th Street. Staff will investigate further.

Vice Mayor Valle announced the date had been changed for the POW/MIA event at Veteran's Memorial Park, and will provide Public Works staff with the new date for the signage.

Mayor Green commented on the 3rd annual 5K and 10K Union City Sports Center Fun Run, and congratulated staff and board/commission members who participated. Mayor Green suggested staff consider a no t-shirt entry fee option as a way to reduce costs for future participants.

Mayor Green adjourned the regular meeting to Closed Session at 8:55 p.m.

XV. CLOSED SESSION

15.a CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - QUARTERLY UPDATE ON POTENTIAL LITIGATION

(Pursuant to Government Code 54956.9)
(Several Cases)

15.b 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)

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:10 p.m.

Respectfully submitted,

Regina McEvoy
Administrative Assistant to the City Clerk