

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

**TUESDAY, MAY 11, 2010
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:30 P.M.

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:13 p.m., and announced there was no reportable action from the Closed Session held earlier this evening.

I.a Pledge of Allegiance

A Cub Scout color guard formation presented the colors and led the salute to the flag.

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 Resolution Honoring Sergeant Brandon Hayward as the 2009 Union City Police Department "Officer of the Year"

Mayor Green read the resolution aloud and presented it to Sergeant Brandon Hayward.

3.b Resolution Honoring Brian Lane as Paramedic of the Year 2010

Mayor Green read the resolution aloud and presented it to Firefighter/Paramedic Brian Lane.

3.c Proclamation Designating May 16-22, 2010 as "Emergency Medical Services Week"

Mayor Green read the proclamation aloud and presented it to EMS Coordinator Rivers.

3.d Proclamation Recognizing May 16-22, 2010 as "Public Works Week" in Union City

Mayor Green read the proclamation aloud and presented it to Public Works Director Cheng.

- 3.e Proclamation Recognizing May 22, 2010 as "Arbor Day" in the City of Union City

Mayor Green read the proclamation aloud and presented it to Public Works Grounds Supervisor Nelson Kirk.

IV. ORAL COMMUNICATIONS - None

V. CONSENT CALENDAR

It was moved by Councilmember Navarro, seconded by Vice Mayor Valle, to approve Consent Calendar items 5.a through 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 April 20, 2010
- 5.c Approved Minutes of the Special and Regular Meetings of April 27, 2010
- 5.d Rejected Claim No. 812, Submitted by Pilar Guerrero Lecaros, as Recommended by the City's Claims Administrator
- 5.e Adopted **Resolution No. 3989-10** to Grant a Designated Period for Two Years Additional Service Credit to Miscellaneous and Local Safety Employees
- 5.f Adopted **Resolution No. 3990-10** Preliminarily Approving the Annual Report for the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2010/11, and adopted **Resolution No. 3991-10** Declaring Its Intention to Levy and Collect Assessments for the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2010/11
- 5.g Adopted **RDA Resolution No. 421-10** Authorizing the Filing of an Appeal of Judge Lloyd Connelly's Decision on California Redevelopment Association vs. Genest
- 5.h Adopted **RDA Resolution No. 422-10** to Extend the Time Allowed for Development to June 30, 2015 for Land Held by the Agency for More Than (5) Years
- 5.i Received Audit Committee Report from Meeting held on April 20, 2010

Item 7.a was heard at this time. (For minutes of action taken, see page 3 of these Minutes.)

Mayor Green recessed the meeting at 8:35 p.m.

Mayor Green reconvened the meeting at 8:58 p.m.

VI. PUBLIC HEARINGS

- 6.a Receive Report Describing the Measures Taken to Alleviate the Conditions Which Led to the Adoption of a Temporary Moratorium on the Establishment of Drug Paraphernalia Establishments/Head Shops and Adopt an Ordinance Repealing Ordinance No. 725-09

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 receive the report and introduce an Ordinance Repealing Ordinance No. 725-09, Extending City of Union City Ordinance No. 724-09, Adopted September 22, 2009, Making Findings and Establishing a Moratorium Pursuant to California Government Code 65858 on the Establishment of Drug Paraphernalia Establishments/Head Shops. Motion carried unanimously.

VII. CITY MANAGER REPORTS

7.a Report on Past Due Rental Property Business Licenses and Waiving of Penalties

Note: This item was heard immediately following the adoption of the Consent Calendar.

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment.

The following individuals expressed opposition to the imposition of penalties, the amount of the base tax, and the retroactive collection of business license fees:

Jagrup Singh Judge
Kashmir Shahi
Harvey Dosanjh
Mahdi Ali Gowher (business tax license concerns related to taxi drivers)
Shahwali (business tax license concerns related to taxi drivers)
Maria Adas (submitted written letter and petitions)
George Adas
Rich St. John
Mira Malkani
Don Buchholz
Jesse Martinez

Councilmembers provided comment and directed staff and the City Attorney to research the appropriate process for possibly reducing the current business tax rate (\$111 for up to 4 units at the same location and \$10 per each additional unit, and \$111 for each unit at a different location). The City Attorney stated he would provide a recommendation by the May 25, 2010 City Council meeting on whether the provisions of Proposition 218 apply.

It was moved by Mayor Green, seconded by Councilmember Navarro, to accept the informational report and adopt **Resolution No. 3992-10** waiving penalties of 10% per month, up to a maximum of 50% per year, for owners of residential rental units who recently received a past due notice, if payment is physically received by the City of Union City no later than July 31, 2010. If payment is not physically received by the July 31, 2010 due date, penalties remain in effect. Current year (09/10) taxes, plus one year (08/09) taxes, shall remain in effect. Motion carried unanimously.

- 7.b Fiscal Year 2009/2010 Third Quarterly Report Comparing General Fund Budget to Actual Results and Disbursement Report for January 1 through March 31, 2010

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers.

City Manager Cheeves directed Council's attention to a desk item photo copy of the chart entitled General Fund Revenue vs. Expenditure Comparison.

Councilmembers accepted the informational report. No action was required.

- 7.c Adopt a Resolution of the City Council of the City of Union City Authorizing an Agreement with Godbe Research in an Amount not to Exceed Twenty Thousand Dollars (\$20,000) for Follow-up Public Opinion Polling Service Related to a Potential 2010 Revenue Enhancement Measure; Draft Election Calendar for the November 2, 2010 Ballot

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

Barry Ferrier recommended including a component for increasing and marketing the economic development of Union City.

It was moved by Mayor Green, seconded by Councilmember Fernandez, to Adopt **Resolution No. 3993-10** Authorizing an Agreement with Godbe Research in an Amount Not To Exceed Twenty Thousand Dollars (\$20,000) for Follow-Up Public Opinion Polling Services Related to a Potential 2010 Revenue Enhancement Measure. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Barry Ferrier inquired about the formation of an Economic Development Action Team as referenced in the General Plan.

Tri-City Voice reporter Shavon Walker announced an Open House was scheduled at the newspapers' new offices located at 39737 Paseo Padre Parkway in Fremont, on May 19, 2010, from 4 to 8 p.m.

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 spoke about his recent trip to visit Sister City Liang in China. Representatives from Liang will be visiting Union City in August 2010.

Councilmember Dutra-Vernaci stated she would be attending a Housing Commission meeting the following day, and the East Bay division meeting for the League of California Cities had been canceled.

Councilmember Fernandez provided a status update regarding the Decoto Youth Center Task Force project, noting another tour of facilities had been scheduled.

Mayor Green announced the executive director of ABAG had resigned. ABAG will begin an open recruitment for the position by the end of August.

Mayor Green stated he had represented ABAG at a recent meeting in El Cerrito.

Mayor Green stated a majority of cities had affirmed the CMA/ACTIA merger, and the Board of Supervisors would be voting on the issue later this month. Once approval has been given, an open recruitment for a new executive director would commence.

Mayor Green reported attending a committee meeting regarding vehicle registration fees.

XIV. GOOD OF THE ORDER

Councilmember Fernandez stated cabling efforts used to save a large oak tree several years ago had been successful and the tree is doing well today. Councilmember Fernandez stated cutting down trees should not always be viewed as a first solution.

Councilmember Navarro announced the Bay Area Chapter of the Asian Pacific Islander American Public Affairs Association would be hosting a voter education forum and debate at the Holly Center on Sunday, May 16, 2010.

Councilmember Dutra-Vernaci reported light pole 4988 was out on Watkins Court.

Councilmember Dutra-Vernaci inquired about the status of the transition to Alameda County Fire with regard to the process of handling sales of 4th of July fireworks. City Manager Cheeves reported Battalion Chief Oatis would be working with the fireworks vendors. City Manager Cheeves stated Alameda County Fire Chief Gilbert had committed to maintaining the same level of service of the 4th of July holiday, including positioning wild land rigs on the east side of Mission Boulevard, and committing additional staff to help control fireworks-related activities.

Councilmember Dutra-Vernaci stated the Chamber of Commerce Community Spirit Awards would be presented on May 13 at the Crown Plaza.

Councilmember Dutra-Vernaci stated another round of CERT classes would begin on Saturday, May 15, and the CERT Board met with county fire staff last week to insure a smooth transition for the CERT program.

Vice Mayor Valle requested an update on the current status of Measure UU programs at the first meeting in June.

Vice Mayor Valle stated the grand opening for the Performing Arts Center at Logan High School is scheduled for May 22, 2010, and tickets are available for \$50 each.

Mayor Green stated a tree was in need of pruning at Cottonwood and Pecan as foliage was obstructing illumination in the area.

XV. CLOSED SESSION – Item moved to the 6:30 p.m. closed session agenda.

15.a CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8 of the Government Code)

Confer with real property negotiator Mark Evanoff regarding the Oakland Subdivision at Union City BART Station.

Negotiating Parties: Union Pacific Railroad, BART, Capitol Corridor, and Union City
Community Redevelopment Agency.

Under negotiation: Price and Terms

XVI. ADJOURNMENT

Mayor Green adjourned the regular meeting at 9:39 p.m.

Respectfully submitted,

Renee Elliott
City Clerk