

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

**TUESDAY, JULY 27, 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 7:07 p.m.

I.a Pledge of Allegiance

A Boy Scout color guard formation presented the colors and 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 Dutra-Vernaci, Fernandez and Navarro, Vice Mayor Valle, Mayor Green

Absent: None

II. UNFINISHED BUSINESS – None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Adopt Resolutions Relating to City Attorney Transition

It was moved by Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci, to:

- (1) Adopt **Joint Council Resolution No. 4024-10 and Community Redevelopment Agency Resolution No. 426-10** Appointing Benjamin T. Reyes II as City Attorney and General Counsel.
- (2) Adopt **Council Resolution No. 4025-10** Appointing Michael S. Riback as Assistant City Attorney.

Motion carried unanimously.

Newly appointed City Attorney Benjamin Reyes was sworn into office by Judge Hing.

Mayor Green recessed the meeting for a reception honoring City Attorney Reyes at 7:15 p.m.

Mayor Green reconvened the meeting at 7:45 p.m.

IV. ORAL COMMUNICATIONS

Federico Rodriguez announced his new restaurant is scheduled to open at Union Landing this weekend.

Pat Gacoscos, Chair of Friends of Sister Cities, invited everyone to attend the 6th Annual Festival and Welcome for New Sister City, Liyang China, at the Union City Sports Center on August 22, 2010, from 5 pm to 10 p.m.

Dave Bhatia expressed his appreciation to police and Public Works staff for 4th of July cleanup efforts, and thanked Councilmember Dutra-Vernaci for a good Healthy Aging Fair at the Hayward Senior Center.

V. CONSENT CALENDAR

Item 5.b was removed from the Consent Calendar.

It was moved by Vice Mayor Valle, seconded by Councilmember Navarro, to approve Consent Calendar Items 5.a and 5.c through 5.f 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.c Rejected Claim No. 818, Submitted by Jeanne Lau, as Recommended by the City's Claims Administrator
- 5.d Adopted **Resolution No. 4026-10** for the Award of Contract for the Civic Center Public Parking Lot Rehabilitation, City Project No. 08-16
- 5.e Adopted **Resolution No. 4027-10** for the Award of Contract for the Meyers Drive Sidewalk Improvements & Citywide Wheel Chair Ramps, City Project No. 09-12
- 5.f Adopted **Resolution No. 4028-10** Authorizing Approval and Appropriation of Funds for the Transit Bus Parking Pad Improvement Project at the City's Corporation Yard, City Project No. 09-17

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

- 5.b Approval of Minutes for the Special and Regular Meetings of July 13, 2010

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to correct the minutes as follows

- Special meeting minutes of July 13, 2010: The vote under Item III to reflect Vice Mayor Valle as absent.
- Regular meeting minutes of July 13, 2010: Councilmember Dutra-Vernaci's comment under *Good Of The Order* to reflect Councilmember Dutra-Vernaci had witnessed fewer displays of illegal fireworks than the prior year.

Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Introduction of an Ordinance (File Number AT-04-10) to Extend Active Site Development Review Approvals for an Additional two Years Beyond Their Current Expiration Date (Southern Wine and Spirits and Candlewood Suites)

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 Councilmember Dutra-Vernaci, seconded by Vice Mayor Valle, to introduce an ordinance extending active site development review approvals for an additional two years beyond their current expiration date (AT-04-10). Motion carried unanimously.

- 6.b Adopt a Resolution Establishing Certain Findings and Approving an Energy Service Contract for Energy Service Contract for Energy Related Improvements to City Facilities

Public Works Director Cheng presented the staff report and distributed copies of the July 21, 2010 Comprehensive Energy Analysis report prepared by Chevron Energy Solutions Company. Public Works Director Cheng, and Chevron representatives Craig Shulenberger and Allyson Gipson, responded to questions from Councilmembers.

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

By consensus, the City Council approved continuing the public hearing on an energy service contract with Chevron Energy Solutions, Inc. for energy-related improvements to City facilities to the regularly scheduled City Council meeting of August 24, 2010. Motion carried unanimously.

VII. CITY MANAGER REPORTS

Councilmember Valle recused himself as an employee of Tri-CED, and exited the Council Chambers at 8:10 p.m.

- 7.a Adopt a Resolution of the City Council of the City of Union City Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2010/2011

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

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to:

- (1) adopt **Resolution No. 4029-10** Establishing Annual Rates for Municipal Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharge for 2010/2011; and
- (2) authorize staff to develop a Multi-Family Residential Recycling Program, and to return the matter to Council for final approval in November 2010, with a project implementation date of January 1, 2011.

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

Vice Mayor Valle returned to the Council Chambers at 8:35 p.m.

- 7.b Update Regarding Climate Action Plan Process and Request for Feedback Regarding Preferred Climate Action Plan Scenario

Planning Manager Campbell presented the staff report and responded to questions from Councilmembers. Consultant Christopher Clement, AECOM, presented information regarding the two scenarios offered for consideration.

Councilmembers provided comment on Scenario's 1 and 2, and direction to pursue Scenario 2, which reflects a new interim goal to reduce GHG emissions by twenty percent (20%) below 2005 levels by 2020.

- 7.c Overview of the American Lung Association's State of Tobacco Control 2009 Report

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

Serena Chen, American Lung Association; Lynn Lam; Yesenia Molinar; and, Janice Louie, Alameda County Public Health Department, expressed support for additional tobacco regulations to combat the effects of second-hand smoke.

Serena Chen noted cities achieving an "A" grade in the *Tobacco Control Report* had:

- designated the following as smoke-free zones:
 - Outdoor dining places
 - Parks and recreation centers
 - Public events
- Established smoke-free housing laws
- Established tobacco licensing fees for retail businesses engaged in the sale of tobacco products

Council directed staff to return with a comprehensive report and recommendations to get the City to a grade of "A". Economic and Community Development Director Malloy stated staff would return with a comprehensive report in October 2010.

Mayor Green recessed the meeting 10:10 p.m.

Mayor Green reconvened the meeting at 10:15 p.m.

- 7.d Public Hearing Regarding the Proposed 2010 Revenue Enhancement Measure: (1) Approve Proposed Resolution of the City Council of the City of Union City, California, Calling a General Municipal Election to be Held on November 2, 2010, for voter consideration of (a) a Utility Users Tax, or (b) Enactment of a Transaction and Use (Sales) Tax Increase, Expiring on November 5, 2014, for the Continued Maintenance of City Services; Establishing Policies and Procedures in Connection With Such an Election; Requesting the Board of Supervisors of the County of Alameda to Consolidate the General Municipal Election with the General Election to be Held on November 2, 2010; Requesting Certain Services of the Registrar of Voters of Alameda County with Respect to the Consolidated Municipal Election; and Authorizing the Filing of an Impartial Analysis. (2) Approve and Forward Draft Ordinance Adding Chapter 3.24 to the City of Union City Municipal Code Concerning Establishment of a Utility User Tax, OR (3) Approve and Forward Draft Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization

Deputy City Manager Acosta presented the staff report and introduced consultant Brian Godbe who provided an overview of the results of the public opinion poll. Deputy City Manager Acosta and Consultant Godbe responded to questions from Councilmembers.

Councilmembers provided comment.

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

- (1) Adopt **Resolution No. 4030-10** Calling a General Municipal Election to be Held on November 2, 2010, for voter consideration of Enactment of a Transaction and Use (Sales) Tax Increase, Expiring Four (4) Years from the Date of Collection, for the Continued Maintenance of City Services; Establishing Policies and Procedures in Connection With Such an Election; Requesting the Board of Supervisors of the County of Alameda to Consolidate the General Municipal Election with the General Election to be Held on November 2, 2010; Requesting Certain Services of the Registrar of Voters of Alameda County with Respect to the Consolidated Municipal Election; and Authorizing the Filing of an Impartial Analysis;
- (2) Finalize the ballot question to read as follows: "To prevent severe cuts to essential services such as police, fire, paramedic, library, streets, parks and other services, shall Union City adopt an ordinance enacting a half-cent sales tax expiring four years from the date it was first collected, reviewed by a citizen's oversight committee, with annual independent audits, and all funds for Union City and no funds for the State of California?"; and
- (3) Designate Vice Mayor Valle and Mayor Green to prepare and submit the ballot argument in favor of the tax measure.

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

VIII. REDEVELOPMENT AGENCY

- 8.a Adopt a Resolution to Accept the Parking Program Report, Authorize Termination of the AMPCO Parking Contract, Authorizing the City Attorney and Executive Director to

Prepare and Execute a Parking Operations Contract with Mark Miller and Public Parking Associates inc., and Authorizing Staff to Install Area S Parking Permits and Free Two-Hour Limited Parking

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Councilmembers.

It was moved by Vice Mayor/Chair Valle, seconded by Council/Agencymember Dutra-Vernaci, to adopt **Resolution No. 4031-10** accepting the parking program status report, authorizing termination of the AMPCO contract, authorizing the City Attorney and Executive Director to prepare and execute a parking operations contract with Mark Miller and Public Parking Associates Inc., and authorizing staff to install area S parking permits and free two-hour limited parking. Motion carried unanimously.

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

Councilmember Dutra-Vernaci reported on Proposition 22 discussions that occurred at the last League of California Cities meeting.

Councilmember Navarro reported attending an Oakland Airport Noise Forum meeting.

Mayor Green stated ABAG executive director interviews had occurred, and a recommendation would be forthcoming at a special meeting on Thursday night.

Mayor Green stated the new ACTC executive director interviews were scheduled for Friday.

Mayor Green stated he had been asked to chair the ACTC.

Mayor Green provided a status update on the vehicle registration fee transportation improvement measure.

XIV. GOOD OF THE ORDER

Councilmember Dutra-Vernaci provided a CERT update on rebuilding the program, noting a quarterly CERT training class was scheduled for Monday, August 2.

Councilmember Dutra-Vernaci stated CERT had prepared flyers to be distributed at Neighborhood Watch gatherings on National Night Out.

Vice Mayor Valle stated a report on the Decoto Youth and Family Services Center would be forthcoming at the City Council meeting in August.

Mayor Green confirmed assignments had been made for National Night Out.

Mayor Green adjourned the regular meeting to closed session at 11:40 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:

Management Employees Group (MEG)

Professional Employees Group (PEG)

Service Employees International Union, Local 1021 (SEIU)

Union City Police Officer's Association (UCPOA)

15.b CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - CITY MANAGER

(Pursuant to Government Code Section 54957)

XVI. ADJOURNMENT

Mayor Green adjourned the closed session at 2:10 a.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk