



## **MINUTES**

### **CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

**Tuesday, November 27, 2018  
7:00 PM**

**City Hall - Council Chamber  
34009 Alvarado-Niles Road  
Union City, CA 94587**

#### **1. CALL TO ORDER**

Mayor Dutra-Vernaci called the meeting to order at 7:00 p.m.

##### **1.a. Pledge of Allegiance**

Mayor Dutra-Vernaci led the salute to the flag.

##### **1.b. Roll Call**

Present: Councilmembers Duncan, Gacoscas, Singh, Vice Mayor Ellis,  
Mayor Dutra-Vernaci

Absent: None

#### **2. UNFINISHED BUSINESS - None**

#### **3. PROCLAMATIONS AND PRESENTATIONS**

##### **3.a. Proclamation Recognizing November as Sikh Awareness and Appreciation Month**

Mayor Dutra-Vernaci read the proclamation aloud and presented it to  
NHUSD Trustee Sharan Kaur.

Councilmember Singh made a statement and expressed appreciation for  
the event and proclamation.

Trustee Kaur thanked Council and City staff for allowing the kick-off event to take place at City Hall on October 30 and encouraged others to hold similar events that will highlight the diversity of Union City.

- 3.b. Proclamation in Recognition of and Appreciation for Chief Darryl McAllister Meritorious Service to the City of Union City and the Union City Police Department

Item pulled and postponed to the Regular City Council meeting of December 11, 2018

#### **4. ORAL COMMUNICATIONS**

Jim Navarro spoke about the housing crisis and encouraged Council to enact legislative measures to address the situation when possible, similar to regulations regarding Accessory Dwelling Units.

Laurie Pascual spoke against water cremation and “chem trails”.

Wynn Grcich spoke against water cremation.

#### **5. CONSENT CALENDAR**

Barry Ferrier requested Item 5.h. be pulled for discussion.

It was moved by Vice Mayor Ellis and seconded by Councilmember Duncan to approve consent calendar items 5.a. – 5.g. The motion was carried by a unanimous voice vote.

- 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 the Minutes of the following City Council Meetings:

Special City Council Meeting of November 13, 2018  
Regular City Council Meeting of November 13, 2018  
Special City Council Meeting of November 14, 2018

- 5.c. Adopted **Resolution No. 5413-18** Updating the Authorized Position List to Reflect the State Mandated Increase in the Minimum Wage from \$11.00 to \$12.00.
- 5.d. Adopted **Resolution No. 5414-18** Appointing Members to the Union City Senior Commission
- 5.e. Adopted **Resolution No. 5415-18** Appointing Members to the Union City Parks & Recreation Commission
- 5.f. Adopted **Resolution No. 5416-18** Reappointing Members to the Union City Planning Commission

- 5.g. Adopted **Resolution No. 5417-18** Amending the Job Title and Specification for the Housing and Community Development Coordinator Classification

**Discussion of Item 5.h.**

- 5.h. Adopt A Resolution Amending the City Council Policy Regarding General Meeting Rules of Procedure

Barry Ferrier expressed concern about removing “Second Oral Communications” from the agenda; he believed it should remain.

Mayor Dutra-Vernaci stated the reasoning behind the removal and the changes made to the first oral communications that would address the concerns expressed by Mr. Ferrier.

It was moved by Vice Mayor Ellis and seconded by Councilmember Gacoscos to adopt **Resolution No. 5418-18** amending the City Council Policy Regarding General Meeting Rules of Procedure. The motion was carried by a unanimous voice vote.

**6. PUBLIC HEARINGS**

- 6.a. Adopt a Resolution (Public Hearing) Approving Site Development Review (SD-18-004) and Use Permit (UP-18-002) to Allow a Fiber Optic Contractor with Accessory Outdoor Storage to Operate from an Existing Building at 30311 Union City Boulevard (APN: 482-6-3-1, 482-6-3-2, and 482-6-4) in the MS, Special Industrial, Zoning District.

Economic and Community Development/Planning Director Joan Malloy presented the staff report, detailing project specifications including site improvements, potential employment numbers and Planning Commission recommendations/approval. Director Malloy responded to questions from Council.

Applicant Bill Douglas was present and responded to questions from Council.

Mayor Dutra-Vernaci opened the public hearing and called for public comment in support and in opposition to the resolution. Being no public comment, Mayor Dutra-Vernaci closed the public hearing.

It was moved by Councilmember Gacoscos and seconded by Councilmember Singh, to adopt **Resolution No. 5419-18** Approving Site Development Review (SD-18-004) and Use Permit (UP-18-002) to Allow a Fiber Optic Contractor with Accessory Outdoor Storage to Operate from an Existing Building at 30311 Union City Boulevard (APN: 482-6-3-1, 482-6-3-2, and 482-6-4) in the MS, Special Industrial, Zoning District. The motion was carried by a unanimous voice vote.

**7. CITY MANAGER REPORTS**

- 7.a. Adopt Resolution Awarding Eden Campus Holdings LLC Four Cannabis Permits: A Cultivation Permit, a Manufacturing Permit, a Distribution Permit, and a Medical Retail Permit

Prior to reading the item onto the record, Mayor Dutra-Vernaci recused herself under the Political Reform Act, stating that she had an economic conflict of interest in Item 7.a. through a real property interest in her residence, located near the proposed location for the applicant's business. Additionally, the parcel on which the applicant is proposing to locate its business is owned by The Franco Family Trust. The Francos are clients of her tax business and are a source of income to her.

Mayor Dutra-Vernaci left the room and Vice Mayor Ellis chaired the meeting during Item 7.a.

Deputy City Manager Mark Evanoff presented the staff report, providing detail about the site and development plan, security plan, business plan, environmental and safety plan and community benefits plan. Deputy City Manager Evanoff responded to questions from Council. Councilmembers provided comment.

Shareef El-Sissi of Eden Campus Holdings, LLC was present and responded to questions from Council.

Pamela Epstein, Esq. of Greenwise Consulting LLC provided comment. , stating their services had been retained by Eden to maintain the gold standard of compliance.

It was moved by Councilmember Duncan and seconded by Vice Mayor Ellis to adopt **Resolution No. 5420-18** awarding Eden Campus Holdings LLC Four Cannabis Permits: A Cultivation Permit (ECH Co.), a Manufacturing Permit (EMH Co.), a Distribution Permit (EDH Co.), and a Medical Retail Permit (GOE Union City Hold Co.). The motion was carried by the following vote:

AYES:	Councilmembers Duncan, Gacoscos, Vice Mayor Ellis
NOES:	Councilmember Singh
ABSTAIN:	Mayor Dutra-Vernaci
ABSENT:	None

Mayor Dutra-Vernaci returned to the dais.

- 7.b. Adopt a Resolution Awarding a Medical Retail Cannabis Permit to Jiva Life, LLC

Deputy City Manager Mark Evanoff presented the staff report, providing detail about the site and development plan, security plan, business plan, environmental and safety plan and community benefits plan. Staff noted that any potential litigation would be a civil matter between the parties. Staff responded to questions from Council. Councilmembers provided comment.

Evelyn Abellar provided comment, expressing opposition to Jiva Life, LLC location at the Chess Commerce Center and noting the updated Covenants Conditions and Restrictions recorded with Alameda County on November 21, 2018.

Raj Raina of Jiva Life, LLC responded to questions from Council regarding security protocols, odor mitigation and the effects of potential litigation. Staff reiterated that any potential litigation would be a civil matter between the parties.

It was moved by Councilmember Duncan and seconded by Mayor Dutra-Vernaci to adopt **Resolution No. 5421-18** awarding a Medical Retail Cannabis Permit to Jiva Life, LLC. The motion was carried by the following vote:

AYES:	Councilmembers Duncan, Gacoscas, Vice Mayor Ellis, Mayor Dutra-Vernaci
NOES:	Councilmember Singh
ABSTAIN:	None
ABSENT:	None

7.c. Oral report Update on Homelessness Programs and Funding

Economic and Community Development/Planning Director Joan Malloy and Community and Recreation Services Director Jill Stavosky provided and oral report on Union City homelessness programs and funding.

Detailed information was provided on the Homeless Emergency Aid Program (HEAP), eligible activities, funding allocations, requirements and proposed City match.

Director Stavosky provided an update on the City's CAREavan Program including a breakdown of the annual budget, participant statistics and collaborations with neighboring cities.

Staff responded to questions from Council. Councilmembers provided comment.

The item was informational only and required no further action by Council.

7.d. Adopt a Resolution Approving an Amendment to the Compensation and Benefits for Darryl McAllister as Chief of Police

City Manager Tony Acosta provided an oral report on the amendment to the compensation and benefits package for Chief McAllister. There were no questions or comments from Council.

It was moved by Councilmember Duncan and seconded by Councilmember Singh, to adopt **Resolution No. 5422-18** approving an Amendment to the Compensation and Benefits for Darryl McAllister as Chief of Police. The motion was carried by a unanimous voice vote.

- 7.e. Adopt a Resolution Amending the Fiscal Year 17-18 Budget for Certain Appropriations and Transfers and Amending the Fiscal Year 18-19 Budget for Certain Operational and Capital Improvement Rollovers

Finance Director Mark Carlson presented the staff report and explained that annually, certain budget adjustments are necessary to properly reflect the financial activity of the City as they relate to budget appropriation requirements. Director Carlson responded to questions from Council. Councilmembers provided comment.

It was moved by Councilmember Singh and seconded by Councilmember Gacoscos to adopt **Resolution No. 5423-18** amending the Fiscal Year 17-18 Budget for Certain Appropriations and Transfers and Amending the Fiscal Year 18-19 Budget for Certain Operational and Capital Improvement Rollovers. The motion was carried by a unanimous voice vote.

- 7.f. Presentation of Fiscal Year 17/18 Year End Financial Summary

Finance Director Carlson presented the staff report of the FY 17/18 year end summary and noted that departments operated largely within approved budgets. Director Carlson requested Council direction on the use of excess revenues.

Council consensus was to continue with policy of placing 25% in PARS trust but to address use of the remaining funds during the budget process.

It was moved by Vice Mayor Ellis and seconded by Councilmember Duncan to direct staff to place 25% of the excess revenues from FY 17/18 into PARS trust and wait for additional allocations until the budget process.

- 8. **SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None**
- 9. **AUTHORITIES AND AGENCIES - None**
- 10. **CITY COMMISSION / COMMITTEE REPORTS - None**
- 11. **SECOND ORAL COMMUNICATIONS - None**
- 12. **SCHEDULED ORAL COMMUNICATION - None**
- 13. **ITEMS REFERRED BY COUNCIL**

Oral Reports by Mayor and Councilmembers on meetings of County or Regional Board and Commissions

*Alameda County Fire Department Advisory Commission* – Councilmember Singh reported on his attendance of the last meeting of the ACFD Advisory Commission, where it was reported that Union City still ranks at the bottom for response times.

Mayor Dutra-Vernaci noted the layout of streets in the City will probably always make this the case.

*Alameda County Library Advisory Commission* – No report.

*Alameda County Mayors Conference* – No report.

*Alameda County Oversight Board* – No report.

*Alameda County Transportation Commission (ACTC)* – No report.

*Alameda County Waste Management Authority (WMA)* – No report.

*Association of Bay Area Governments (ABAG)* – No report.

*City of Union City Audit Subcommittee* – No report.

*City of Union City Municipal Code Subcommittee* – No report.

*City of Union City Youth Violence Prevention & Intervention Advisory Committee (YVIP)* – No report.

*Disaster Council* – No report.

*Dumbarton Rail Corridor Policy Advisory Committee* – No report.

*East Bay Community Energy Board of Directors (EBCE)* – Mayor Dutra-Vernaci reported that she is now seated on the Audit Committee for the EBCE.

*East Bay Economic Development Alliance (EDA)* – No report.

*Economic Development Advisory Team (EDAT)* – No report.

*General Plan Advisory Committee (GPAC)* – No report.

*Housing Authority of the County of Alameda (HACA)* – Councilmember Gacoscos attended the HACA meeting on November 14 where it was reported that the HUD Office of the Inspector General's audit had no findings or recommendations.

*League of California Cities, East Bay Division (LOCC)* – No report.

*Metropolitan Transportation Commission (MTC)* – Mayor Dutra-Vernaci stated she will attend the MTC retreat over the next day and a half where housing and transportation issues will be topics of discussion. Mayor Dutra-Vernaci reported that Measure 3 funding will likely be delayed due to litigation.

*New Haven Unified School District Joint Sub-Committee* – No report.

*Oakland Airport Community Noise Management Forum* – No report.

*Teen Center Project Updates* – No report.

*Union City Chamber of Commerce* – No report.

*US Conference of Mayors* – No report.

**14. GOOD OF THE ORDER**

Councilmember Gacoscos stated she attended the United Against Hate Rally on November 26. There were approximately 30 other people in attendance.

Mayor Dutra-Vernaci announced community tree lightings taking place at City Hall on December 5 and the Masonic Homes on December 6.

Mayor Dutra-Vernaci announced a Tax Security Awareness presentation hosted by the IRS, UCPD and Kredit Karma at the Mark Green Sports Center on Monday, December 3, 6:00 p.m.

**15. CLOSED SESSION - None**

**16. ADJOURNMENT**

Mayor Dutra-Vernaci adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Anna M. Brown, CMC  
City Clerk