

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY MEETING**

**TUESDAY, FEBRUARY 22, 2011
7:00 PM**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING PRECEDED THE REGULAR MEETING AT 5:30 P.M.

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:06 p.m.

I.a Pledge of Allegiance – Mayor Green led the salute to the flag.

I.b Roll Call

Present: Councilmembers Duncan, Ellis and Gacoscos, Vice Mayor Navarro,
Mayor Green

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Resolution of the City Council of the City of Union City Proclaiming March 2011 as Arts Education Month in Union City and Supporting the March 5, 2011 “**ART IS EDUCATION**” Event at the Union City Public Library

Mayor Green read the resolution aloud and presented it to Alameda County Librarian Mira Geroy.

3.b East-West Connector Project Status Update

Alameda County Transportation Commission Executive Director Art Dao introduced staff members present, and provided background information on the project. Corridor Project Manager Stefan Garcia provided an update on the East-West Connector Project, and responded to questions from Councilmembers. Councilmembers provided comment.

IV. ORAL COMMUNICATIONS

Barry Ferrier spoke about the Alameda County Transportation Plan currently undergoing an update process, and encouraged interested individuals to attend public outreach meetings and provide input.

Hugh McNamara spoke about the importance of not allowing the State’s raid on local redevelopment funds.

V. CONSENT CALENDAR

Items 5.f, 5.l, 5.m and 5.n were removed from the Consent Calendar.

It was moved by Vice Mayor Navarro, seconded by Councilmember Gacoscos, to approve Consent Calendar items 5.a through 5.e, and items 5.g, through 5.k, 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 8, 2011
- 5.c Approved Minutes for the Special Meeting of February 15, 2011
- 5.d Accepted Late Claim No. 823, Submitted by the Walia Law Firm on behalf of their client Mohinder Kaur Gill, as Recommended by the City's Claims Administrator
- 5.e Rejected Claim No. 832, Submitted by West View Park Apartments, as Recommended by the City's Claims Administrator
- 5.g Conducted the Second Reading (by title only) and Adoption of **Ordinance No. 758-11** of the City Council of the City Union City Approving Municipal Code Amendments to Title 5 of the Union City Municipal Code "Business Licenses and Regulations" by Amending Chapter 5.32 of the Municipal Code with respect to Bingo Games for Charity pursuant to Section 23701-d of the California Revenue and Taxation Code to conform and incorporate the provisions of Section 326.5 of the State Penal Code (Introduced February 8, 2011)
- 5.h Adopted **Resolution No. 4101-11** Authorizing the Renewal of the Microsoft Software Assurance Licensing Agreement
- 5.i Adopted **Resolution No. 4102-11** Approving the Final Parcel Map No. 9427; 31140 Alvarado-Niles Road; Bhupen B. Amin, Owner (Lotus Hotels)
- 5.j Adopted **Resolution No. 4103-11** for the Award of Contract for Paint/Stencil Truck, City Project No. 11-08 to Wondries Ford of Alhambra, California and Western Truck Fabrication Company of Hayward, California
- 5.k Adopted **Resolution No. 4104-11** Awarding Contract for Prisoner Transport Vehicle, City Project No. 11-07 to Wondries Ford of Alhambra, California and Stiles Truck Body of Turlock, California

Consideration of items 5.f, 5.l, 5.m, and 5.n removed from the Consent Calendar.

- 5.f Adopt Resolutions Appointing Individuals to Serve on the Human Relations Commission, Parks & Recreation Commission, Planning Commission, and Oakland Airport-Community Noise Management Forum

Mayor Green stated interviews had been conducted by the City Council on Tuesday, February 15, 2011, and expressed appreciation to all of those individuals who had applied. A suggestion was made that an appreciation reception be scheduled to recognize new and departing City Commissioners.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, and the motion was carried unanimously, to adopt **Resolution No. 4105-11** appointing the following individuals to serve on the **Human Relations Commission**:

- **Jerico Abanico** appointed to full time position with term expiring **December 31, 2014**
- **Carmen Smeester** appointed to full time position with term expiring **December 8, 2013**
- **Harpreet Kaur** appointed to full time position with term expiring **August 15, 2012**

It was moved by Mayor Green, seconded by Councilmember Gacoscos, and the motion was carried unanimously, to adopt **Resolution No. 4106-11** appointing the following individuals to serve on the **Parks & Recreation Commission**:

- **Ian Palavi** appointed to full time position with term expiring **August 15, 2012**
- **Glenn Nate** appointed to full time position with term expiring **August 15, 2012**
- **Bert Padua** appointed to alternate position with term expiring **October 8, 2015**

It was moved by Mayor Green, seconded by Councilmember Gacoscos, and the motion was carried unanimously, to adopt **Resolution No. 4107-11** appointing **Harpal Mann** to serve in an alternate position on the **Planning Commission** with a term expiring **October 8, 2015**.

It was moved by Mayor Green, seconded by Councilmember Duncan, and the motion was carried unanimously, to adopt **Resolution No. 4108-11** appointing **Subru Bhat** as the **Citizen-At-Large** member to the **Oakland Airport-Community Noise Management Forum**.

- 5.l Adopt a Resolution for the Award of Contract for the Union City Corporation Yard Concrete Pad Improvements, City Project No. 09-17

Mayor Green stated the average of all bids submitted came in 20 percent under the Engineer's estimate, and the successful contractor's bid was 40 percent under the Engineer's estimate.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4109-11** for the Award of Contract for the Union City Corporation Yard Concrete Pad Improvements, City Project No. 09-17 to Playscapes Construction, Inc. Motion carried unanimously.

- 5.m Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Two Consulting Service Agreements Funded by the American Recovery and Reinvestment Act's Energy Efficiency and Conservation Block Grant: 1) For the Provision of Sustainability Coordinator Services and 2) For Rising Sun Energy Center to Administer the California Youth Energy Services Program

Associate Planner Schultz responded to questions from Councilmembers, and staff was directed to keep the Council updated on the status and outcome of the current selection process.

It was moved by Mayor Green, seconded by Councilmember Duncan, to adopt **Resolution No. 4110-11** Authorizing the City Manager to Negotiate and Execute Two Consulting Service Agreements Funded by the American Recovery and Reinvestment Act's Energy Efficiency and Conservation Block Grant: 1) For the Provision of Sustainability Coordinator Services and 2) For Rising Sun Energy Center to Administer the California Youth Energy Services Program. Motion carried unanimously.

- 5.n Adopt a Resolution Approving the ~~Purchase~~ Lease of 80 Police Department Computers and the Subsequent Financing of that ~~Purchase~~ Lease with HP Financial Services (HPFS)

A desk item was submitted showing a typographical correction was needed to reflect the lease (not purchase) of computers. Administrative Services Director Digre responded to questions from Councilmembers.

It was moved by Councilmember Ellis, seconded by Councilmember Duncan, to adopt **Resolution No. 4111-11** Approving the Lease of 80 Police Department Computers and the Subsequent Financing of that Lease with HP Financial Services (HPFS). Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Public Hearing to Adopt Separate Resolutions by the Community Redevelopment Agency and the City of Union City Approving Conveyance and Acceptance, Respectively, of Specified Properties for Use and Development by the City in Furtherance of the Objectives of the Union City Redevelopment Plan

Management Analyst Sprotte presented the staff report and responded to questions from Council/Agency members.

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

It was moved by Agency Member Ellis, seconded by Agency Member Duncan, to adopt **RDA Resolution No. 432-11** Approving a Reuse Report Required by Health and Safety Code Section 33433, Authorizing the Execution of a Disposition and Development Agreement for the Sale of Real Property to the City of Union City, and Adopting Findings in Connection With Such Sale. Motion carried unanimously.

It was moved by Councilmember Gacoscos, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4112-11** Approving a Reuse Report Required by Health and Safety Code Section 33433, Approving the Sale of Real Property By, and the Purchase of Real Property From, the Community Redevelopment Agency of the City of Union City, and Adopting Findings in Connection With Such Sale and Purchase. Motion carried unanimously.

- 6.b Adopt a Resolution Approving Night Work on Dyer Street Between Whipple Road and Courthouse Drive and Between Alvarado Boulevard and the Union Pacific Railroad Crossing, and Elimination of On-Street Parking on Dyer Street Between Alvarado-Niles Road and The Union Pacific Railroad Crossing

City Manager Cheeves introduced Principal Civil Engineer Farooq Azim who presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Hugh McNamara expressed support for the project, but noted concerns regarding the left turn lane at Dyer and Alvarado Boulevard. City Manager Cheeves stated staff would look into the matter. Barry Ferrier expressed support for the project, and spoke about widening the Fremont Bank site. There were no other speakers on the matter. Mayor Green closed the public hearing.

Councilmembers stated staff should schedule the work to be done on a Monday, Tuesday or Wednesday to lessen traffic impacts on the targeted roadways, and avoid scheduling work on the 4th of July holiday altogether.

It was moved by Mayor Green, seconded by Councilmember Ellis, to adopt **Resolution No. 4113-11** Approving Night Work and Elimination of On-Street Parking on Dyer Street between Whipple Road and Alvarado Boulevard. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution to Authorize an Amendment to the FY 2010-11 Adopted Budget and Fiscal Year 2010-11 2nd Quarter (QTR) Report on Budget to Actual Results for the Period of July 1 through December 31, 2010

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers. Staff was directed to include information regarding the general fund reserve status in all future budget reports.

It was moved by Councilmember Duncan, seconded by Councilmember Gacoscos, to adopt **Resolution No. 4114-11** amending the Operating Budget for Fiscal Year 2010/2011. Motion carried unanimously.

- 7.b Adopt Resolutions by the Community Redevelopment Agency, the City of Union City, and the Public Financing Authority to approve the Issuance of (not to exceed) Forty Million Dollars (\$40,000,000) of Subordinate Lien Tax Allocation Bonds

City Manager Cheeves provided introductory remarks regarding ongoing redevelopment issues between the State and local agencies, and the importance of the Agency's ability to pay the debt service on 2011 bonds while continuing to meet all other financial commitments.

Administrative Services Director Digre presented the staff report and responded to questions from Council/Agency/Authority members.

The Bond Underwriter responded to questions from Council/Agency/Authority members regarding current market conditions and agency rating.

City Manager Cheeves responded to questions from Council/Agency/Authority members.

John Repar inquired about the total amount of the current bond debt. Administrative Services Director Digre responded.

It was moved by Agency Chair Green, seconded by Agency Member Duncan, to adopt **RDA Resolution No. 433-11** Authorizing the Issuance and Sale of Subordinate Lien Tax Allocation Bonds in the Aggregate Principal Amount of Not To Exceed \$40,000,000 in Connection with the Redevelopment Project, and Approving Related Documents and Actions. Motion carried unanimously.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4115-11** Approving the Issuance by the Community Redevelopment Agency of the City of Union City of Subordinate Lien Tax Allocation Bonds in the Aggregate Principal Amount of Not To Exceed \$40,000,000 and Approving Related Documents and Actions. Motion carried unanimously.

It was moved by Authority Chair Green, seconded by Authority Member Gacoscos, to adopt **PFA Resolution No. 18-11** Authorizing Purchase and Sale of Community Redevelopment Agency of the City of Union City Subordinate Lien Tax Allocation Bonds for the City of Union City Community Redevelopment Project and Approving Certain Related Documents and Authorizing Certain Other Actions. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS

10.a Discussion of Economic Development Advisory Committee/Commission

Mayor Green stated that, during last week's interviews of applicants under consideration for appointment to various City Boards and Commissions, many of the candidates had expressed an interest in economic development issues. Mayor Green inquired about the current composition of Union City's Economic Development Advisory Team (EDAT).

Economic & Community Development Director Malloy presented an overview of the composition and focus of the current EDAT.

Mayor Green requested minutes of EDAT meetings be forwarded to Councilmembers reflecting attendance and work in progress.

Councilmember Duncan requested EDAT provide regular updates to the City Council, and consider expanding its membership.

Staff will review the resolution that was adopted to establish the EDAT.

Councilmembers stated staff should provide periodic status reports from all City Commissions to Council at Council meetings.

Councilmember Ellis stated he would be attending his second EDAT meeting on Wednesday, and EDAT needs to continue to focus on the economic development needs of the City and provide recommendations for Council consideration.

Mayor Green stated there was a need for a joint meeting of the City Council and Board and Commission members to discuss issues.

Vice Mayor Navarro inquired about participation on the EDAT by the Union City Chamber of Commerce.

Barry Ferrier suggested Councilmembers attending EDAT meetings could report out under section 13.a on the regular Council meeting agenda. Mr. Ferrier stated it should be our goal to create a reliable future funding source through economic development rather than relying on bond measures.

Councilmember Duncan stated it was important for Mayor Green to provide information regarding regional economic development efforts.

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

Vice Mayor Navarro stated he would be attending a meeting of the Associated Community Action Program on Wednesday.

Councilmember Gacoscos reported attending a Housing Commission meeting with former Councilmember Dutra-Vernaci.

Councilmember Gacoscos stated she will be attending a budget meeting on February 24, and a joint City/School Board meeting on February 28.

Councilmember Ellis reported attending his first meeting of the Alameda County Fire Oversight Committee, and provided a brief overview of the local water and safety issues discussed.

Councilmember Ellis stated he would be attending an EDAT meeting on Wednesday.

Councilmember Duncan reported attending a fire commission meeting in Dublin where she received a tour of the new facility. The next meeting of the commission will be held in Union City.

Councilmember Duncan reported meeting with John Torres and John Whiting from the Firefighters Union, both of whom are reaching out to elected officials in an effort to insure relationships are being built. Councilmember Duncan stated fire training was being planned for Councilmembers.

Councilmember Duncan stated she would be attending an EDAT meeting on Wednesday.

Councilmember Duncan stated she would be attending an Alameda County

Transportation Commission meeting this week.

Councilmember Duncan reported having attended the police simulation training earlier this evening.

Mayor Green provided an update on the East Bay Economic Development Alliance and its efforts to create an over-arching economic theme to advance the Bay Area's economic development profile.

Mayor Green reported attending a retreat last week for the Association of Bay Area Governments, and attending a legislative reception in Sacramento to lobby for redevelopment.

Mayor Green reported attending a retreat for the California Council of Governments.

Mayor Green stated he would be attending a meeting of the Alameda County Transportation Commission on Thursday.

Mayor Green stated he would be attending an evaluation committee meeting on Wednesday at StopWaste.

Mayor Green stated he had received numerous emails regarding a potential reduction in service by Cal Train.

Mayor Green stated the new Vice President of the Alameda County Mayors Conference is Mayor Sbranti from Dublin.

XIV. GOOD OF THE ORDER

Councilmember Duncan stated she would be attending Assemblymember Wieckowski's budget meeting scheduled for Thursday in the Union City Council Chambers.

Councilmember Gacoscos stated she had called legislators to request reconsideration of the Governor's proposed elimination of redevelopment.

Vice Mayor Navarro reported gang graffiti on the corner office building at Smith and Union City Boulevard.

Mayor Green stated the crosswalk paver's on Smith at Vallejo and Watkins are deteriorating. City Manager Cheeves stated staff would look into repairing the bricks.

Mayor Green spoke about a problem with tree roots posing a hazard on the east side of Union City Boulevard between Jean and Dyer.

Vice Mayor Navarro requested an additional item be added to the Closed Session agenda for a discussion regarding potential litigation. It was moved by Vice Mayor Navarro, seconded by Mayor Green, to add an urgent matter regarding Associated Community Action Program as item 15.b on the Closed Session agenda. Motion carried unanimously.

Mayor Green adjourned the regular meeting to Closed Session at 9:55 p.m.

XV. CLOSED SESSION

Mayor Green convened the Closed Session at 10:00 p.m. with the following attendance:

Present: Councilmembers Duncan, Ellis and Gacoscos, Vice Mayor Navarro,
Mayor Green
Absent: None

By consensus, an additional item was added to the Closed Session as reflected in 15.b below.

15.a **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION** (Pursuant to Government Code Section 54956.9) (Several Cases)

15.b **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION** (Pursuant to Government Code Section 54956.9) (One case)

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:50 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk