

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

**TUESDAY, MARCH 8, 2011  
7:00 PM**

**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 7:04 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

Mayor Green announced the City Council had met in closed session, and had consolidated both closed session matters to be considered at the 6:30 p.m. special meeting. Pursuant to the Brown Act, the City Council met to discuss anticipated litigation with its legal counsel, the City Attorney. The Council authorized the City Attorney to initiate validation actions on behalf of the City. The vote was 5 to 0. There were no other reportable actions.

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Presentation of Final Report from Union City 50th Anniversary Celebration Committee

Helen Kennedy presented the final report on behalf of the Union City 50<sup>th</sup> Anniversary Celebration Committee, and distributed copies of a Financial Statement and Report of Independent Auditors for years ended June 30, 2010, 2009, and 2008. Gertrude Cochero commented about the thoroughness of the audit. Union City Librarian Geroy provided an update on the Library project. Mayor Green expressed the Council's appreciation to Ms. Kennedy for the excellent work and contributions of the Union City 50<sup>th</sup> Anniversary Celebration Committee.

#### IV. ORAL COMMUNICATIONS

Ernest and Veisia Saffings requested assistance with a matter involving the permitting of a gazebo at their home. City Manager Cheeves stated staff would contact them regarding the matter.

Kathy Miedema, representing her Neighborhood Watch group, stated a petition was being circulated in opposition to the City-owned pool proposal.

Elizabeth Ames expressed opposition to the proposal for a City owned pool.

Carla Gudino spoke about the poor conditions of parks and athletic fields in the City, and expressed opposition to the proposal for a City owned pool.

Carol Beardsley expressed opposition to the proposal for a City owned pool.

Steve Soderstrom expressed opposition to the proposal for a City owned pool.

#### V. CONSENT CALENDAR

**Items 5.f and 5.i 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, 5.g, and 5.h 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 Adopted **Resolution No. 4116-11** Accepting the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2010
- 5.c Adopted **RDA Resolution No. 434-11** Authorizing the Community Redevelopment Agency of the City of Union City to Assign to the City of Union City the Agency's Rights and Obligations under an Exclusive Negotiating Rights Agreement with Green Valley Corporation, dba Barry Swenson Builder; and, Adopted **Resolution No. 4117-11** Authorizing the City of Union City to Assume from the Community Redevelopment Agency of the City of Union City the Agency's Rights and Obligations under an Exclusive Negotiating Rights Agreement with Green Valley Corporation, dba Barry Swenson Builder
- 5.d Adopted **RDA Resolution No. 435-11** Authorizing the Agency to Assign to the City of Union City the Agency's Rights and Obligations Under Leases and Rental Agreements; and, Adopted **Resolution No. 4118-11** Authorizing the City to Assume from the Community Redevelopment Agency the Agency's Rights and Obligations Under Leases and Rental Agreements
- 5.e Adopted **Resolution No. 4119-11** Initiating Proceedings for the Levy and Collection of Assessments for the City-Wide Landscape and Lighting District No. 3 for Fiscal Year 2011/12

- 5.g Adopted **RDA Resolution No. 437-11** Authorizing the Community Redevelopment Agency of the City of Union City to Assign to the City of Union City the Agency's Rights and Obligations under (i) an Option and Purchase and Sale Agreement (Phase 2 Parking; Public Parking), and (ii) an Option, Purchase and Sale, and Right of First Offer Agreement (Retail/Commercial Space and Parking), each previously executed by the Agency in connection with the development of the Mid Pen Station District Housing; and, Adopted **Resolution No. 4121-11** Authorizing the City of Union City to Assume from the Community Redevelopment Agency of the City of Union City the Community Redevelopment Agency's Rights and Obligations under (i) an Option and Purchase and Sale Agreement (Phase 2 Parking; Public Parking), and (ii) an Option, Purchase and Sale, and Right of First Offer Agreement (Retail/Commercial Space and Parking), each previously executed by the Agency in connection with the development of the Mid Pen Station District Housing
- 5.h Adopted **Resolution No. 4122-11** for the Award of Contract to United Green Tech of Pacheco, California, as the Sole Provider of the Rain Master "Evolution" Central Irrigation Control System for use in the City Parks, Medians and Landscaping , City Project No. 05-19

**Consideration of Items 5.f and 5.i removed from the Consent Calendar.**

- 5.f Adopt an Agency Resolution Authorizing the Expenditure of Tax Increment Funds for Specified Public Improvements, Adopting Findings Required by Health and Safety Code 33445, and Authorizing the Execution of a Public Improvement Agreement with the City of Union City; Adopt a City Resolution Authorizing the Expenditure of Tax Increment Funds for Specified Public Improvements and Redevelopment Activities, Adopting Findings Required by Health and Safety Code Section 33445, and Authorizing the Execution of a Public Improvement Agreement with the Redevelopment Agency and the City of Union City

Economic and Community Development Director Malloy stated a desk item had been submitted reflecting a revision to the Improvement Agreement by the addition of a new paragraph 3.1. Director Malloy and City Manager Cheeves responded to questions from Councilmembers.

It was moved by Council/Agency Member Duncan, seconded by Vice Mayor/Chair Navarro, to adopt **RDA Resolution No. 436-11** Authorizing the Expenditure of Tax Increment Funds for Specified Public Improvements, Adopting Findings Required by Health and Safety Code 33445, and Authorizing the Execution of a Public Improvement Agreement with the City of Union City; and, to adopt **Resolution No. 4120-11** Authorizing the Expenditure of Tax Increment Funds for Specified Public Improvements and Redevelopment Activities, Adopting Findings Required by Health and Safety Code Section 33445, and Authorizing the Execution of a Public Improvement Agreement with the Redevelopment Agency and the City of Union City. Motion carried unanimously.

- 5.i Adopt a Resolution for the Rejection of Apparent Low Bidder, for Non-Compliance with Bid Specifications, and Awarding Contract for One (1) Regenerative Air Sweeper to Second Low Bidder, City Project No. 11-02

Public Works Director Cheng presented the staff report and responded to questions from Councilmembers.

Jim Ricker, representing GCS Environmental Equipment Services, distributed information and spoke about various issues related to the bid submitted by GCS Environmental Equipment Services. Michael Kennedy, representing Owen Equipment Sales, provided rebuttal comments. There were no other speakers on the matter. Councilmembers provided comment. City Manager Cheeves responded to questions from Councilmembers. Public Works Superintendent Sealana responded to questions from Councilmembers, noting the opinion of operations staff with regard to equipment maintenance and performance had been solicited during the evaluation of the bids.

It was moved by Mayor Green, seconded by Councilmember Duncan, to adopt **Resolution No. 4123-11** for the Rejection of Apparent Low Bidder, GCS Environmental Equipment Services, for Non-Compliance with Bid Specifications, and Awarding Contract to Owen Equipment Sales of Sacramento for One (1) Regenerative Air Sweeper to Second Low Bidder, City Project No. 11-02.

Ayes: Councilmembers Duncan, Ellis, Gacoscas, Vice Mayor Navarro, Mayor Green  
Noes: None

## VI. PUBLIC HEARINGS

- 6.a Conduct a Public Hearing Under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) and Approve a Resolution for the Proposed Issuance of Tax-Exempt Revenue Bonds by the California Municipal Finance Authority (“CMFA”), a Joint Exercise of Powers Authority and Public Entity of the State of California, of Which the City is a Member, in an Amount not to Exceed \$18,000,000, (the “Bonds”), for the Purpose of Financing the Acquisition and Rehabilitation of a Multifamily Rental Housing Development Totaling 140 Units (the “Project”) Located at 32300 Almaden Boulevard in Union City, California, California 94587

Management Analyst Sprotte presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Lynn Berard, Project Manager with EAH Housing of San Rafael, spoke about the work to be performed in the apartment units. Benjamin Barker, Financial Advisor with California Municipal Finance Authority of Carlsbad, clarified the purpose of the public hearing, and noted the specific uses of the funds would be determined at a future time. Mr. Barker stated he would look into the cost of adding a sprinkler system to the scope of work for the rehabilitation project. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Ellis, to hold the public hearing and adopt **Resolution No. 4124-11** Approving the Issuance of Tax-exempt Bonds by the California Municipal Finance Authority for Los Robles Associates, L.P. (or an affiliate thereof) with Respect to a Multifamily Apartment Project. Motion carried unanimously.

## VII. CITY MANAGER REPORTS - None

## VIII. REDEVELOPMENT AGENCY - None

**IX. AUTHORITIES AND AGENCIES - None**

**X. CITY COMMISSION/COMMITTEE REPORTS - None**

**XI. SECOND ORAL COMMUNICATIONS**

Barry Ferrier expressed concern about the [low wattage] street lighting in the Heritage Homes area, noting the lighting is intense in the immediate area of the light pole, but casts shadows and creates an unsafe environment in surrounding areas.

**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 reported attending the special Council meeting on March 5, and expressed his appreciation to staff for a good presentation.

Vice Mayor Navarro stated he would be attending an Associated Community Action Program (ACAP) meeting on Wednesday evening in Hayward.

Councilmember Gacoscos stated she had attended two state budget meetings, one with Assemblymember Wieckowski, and another with Senator Corbett and Bill Lockyer. Senator Corbett's staff requested specific requests from Union City be submitted for inclusion in the redevelopment bill.

Councilmember Gacoscos reported attending a joint City/School District partnership meeting where matters were discussed affecting the City and School District.

Councilmember Gacoscos stated she would be attending her first Alameda County Housing Commission meeting on Wednesday morning.

Councilmember Gacoscos stated the Library Commission meeting had been canceled for this month. Councilmember Gacoscos stated she had toured the Union City Library to familiarize herself with the current needs and issues of the library.

Councilmember Ellis stated he had also attended the meeting for elected officials with Senator Corbett and Bill Lockyer. Although Union City's excellent redevelopment efforts were acknowledged, Treasurer Lockyer's comments were not favorable for redevelopment.

Councilmember Ellis reported attending an investor round table meeting at the Crown Plaza sponsored by Union City's Economic Development department.

Councilmember Ellis reported attending the special Council meeting on March 5.

Councilmember Duncan reported attending the special Council meeting on March 5, and complemented staff on its work presenting information which provides a better understanding of the process of City government.

Councilmember Duncan reported attending the February 23 Economic Development Advisory Team meeting, noting outstanding work was being done in the area of marketing Union City.

Councilmember Duncan reported attending the February 24 meeting of the Alameda County Transportation Commission where a variety of subjects were discussed including *Safe Routes To Schools*, a program that Union City is leading in the way of promotion and participation. Mayor Green requested a presentation on *Safe Routes To Schools* be arranged for a Council meeting in April.

Mayor Green stated Hayward would be hosting a County-wide Transportation Plan workshop on Wednesday. Mayor Green reported attending a similar workshop in Fremont where concerns were expressed about a lack of local street and road maintenance.

Mayor Green stated he would be attending a Dumbarton Rail meeting on Wednesday.

Mayor Green announced he had met with Association of Bay Area Governments' staff today, and the deadline for the *Growing Smart Together Award* had been extended as only 3 submittals had been received. Economic and Community Development Director Malloy stated staff was already planning its submission for next year.

Mayor Green stated there was a call for projects for the County-wide Transportation Plan, due April 12.

Mayor Green announced he had attended a Women's Transportation Seminar meeting with staff where the City was presented with the *2011 Innovation Transportation Solutions* award for the intermodal station. City Manager Cheeves stated he would check to see if photographs from the event were available.

Mayor Green announced he had participated in the *Reading Across America* event at Searles School.

Mayor Green announced he would be a guest lecturer on Thursday in a public administration course taught at San Francisco State University.

#### **XIV. GOOD OF THE ORDER**

Councilmember Gacoscos announced she had participated in the *Reading Across America* event at Searles School.

Councilmember Gacoscos announced she had attended an *Art Is Education* event at the library.

Vice Mayor Navarro acknowledged newly appointed Parks & Recreation Commissioner Ian Palavi seated in the audience.

Mayor Green announced he had won a gold medal at the Union City Sports Center anniversary 5K/10K *Family Fun Run and Walk*.

**XV. CLOSED SESSION** (*This matter was considered at the 6:30 pm Special meeting.*)

15.a **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

(Pursuant to Government code Section 54956.9)  
(Several Cases)

**XVI. ADJOURNMENT**

Mayor Green adjourned the regular meeting at 8:40 p.m.

Respectfully submitted,

Renee Elliott  
City Clerk