

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

**TUESDAY, JUNE 14, 2011
7:00 PM**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:02 p.m.

I.a Pledge of Allegiance

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 in Appreciation to Larry Orozco for 36 Years of Meritorious Service to the City of Union City Leisure Services Department

Mayor Green read the resolution aloud and presented it to Deputy City Manager and Leisure Services Director Acosta on Larry Orozco's behalf.

3.b Resolution in Appreciation to Mike Riback for Nine Years of Exemplary Service to the City of Union City as City Attorney

Mayor Green read the resolution aloud and presented it to Retired City Attorney Mike Riback.

3.c Resolution Honoring the Athletes from the 2011 Union City Special Olympics Swim Team

Mayor Green read the resolution aloud and presented it to *UC Wave* Head Coach Jessica Johnson.

IV. ORAL COMMUNICATIONS

Toure Honablezh spoke in support of the Union City Leisure Services 10th Street boxing program.

Christine Seymore spoke in support of the Union City Leisure Services 10th Street boxing program, and praised the program for giving her children a safe place to go.

Mary Schlarb, representing CORE, spoke in support of the Union City Leisure Services 10th Street Boxing Center which provides local youth with a place to go after school, and praised recent efforts to create a mural on site.

Lilia Reynoso spoke in support of a community mural that has been proposed for the 10th Street Boxing Center.

Laurel Jones expressed concerns about the Caltrans project in Niles Canyon.

V. CONSENT CALENDAR

It was moved by Vice Mayor Navarro, seconded by Councilmember Gacoscos, to approve Consent Items 5.a through 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 Approved Minutes for the Regularly Scheduled Meeting of May 24, 2011, and for the Special Meeting of May 31, 2011
- 5.c Adopted **Resolution No. 4152-11** Appointing Dave Sweilem to Serve as an Alternate on the Planning Commission
- 5.d Adopted **Resolution No. 4153-11** Allocating Federal Project STP No. STPL-535Y(029) and CMAQ Grant Funds in the Amount of \$861,000 and Awarding a Contract to MCK Services, Inc. of Concord, California, for the Dyer Street Pavement Rehabilitation, City Project No. 10-23
- 5.e Adopted **Resolution No. 4154-11** Approving the Annual Engineer's Report for the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2011/2012, and adopted **Resolution No. 4155-11** Declaring the City's Intention to Levy and Collect Assessments for the Landscape & Lighting District No. 3 and Establishing a Time and Place for a Public Hearing
- 5.f Adopted **Resolution No. 4156-11** Authorizing Renewal of an Agreement with the County of Alameda Library for Additional Services and Operating Hours at the Union City Branch Library for the 2011-12 Fiscal Year, in an Amount not to Exceed \$282,136
- 5.g Adopted **Resolution No. 4157-11** Accepting and Appropriating the State of California Emergency Communications Office Grant Funding for the GIS Mapping Project for Police Department Dispatch Upgrade and Repairs
- 5.h Adopted **Resolution No. 4158-11** Approving an Engineering Services Agreement with AMC Consulting Engineers, Inc. for Seismic Retrofit Design of Civic Center Administrative/Police Building, City Project 10-19

VI. PUBLIC HEARINGS

- 6.a Conduct a Public Hearing and Adopt a Resolution for the Adoption of 2011-13 DBE Goal for FTA Funded Projects

Public Works Director Cheng 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 Gacoscos, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4159-11** Approving and Adopting the Disadvantaged Business Enterprises (DBE) Goal of 5.9% for Federal Transit Administration (FTA) Funded Projects for Federal Fiscal Year 2011-2013. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Approving the FY 2011-12 and 2012-13 Operating Budget and the Five-Year Capital Improvement Plan for FY 2011-12 through 2015-16 and Adopt a Resolution Establishing an Appropriation (Gann) Limit for Fiscal Year 2011/12

City Manager Cheeves stated staff is now recommending Council defer adoption of the Operating and Capital Improvement Plan budgets until its June 28, 2011, regular meeting pending the outcome of the State's adopted budget. City Manager Cheeves presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment.

Mary Schlarb, CORE leader and Youth Violence Intervention and Prevention Task Force member, expressed support for allocating funds toward a teen center.

Richard Valle urged Council to allocate funds toward the projects proposed in the Park and Recreation Commission recommendations presented at the May 24, 2011, City Council meeting, and spoke in support of youth programs in the City.

Chris Cara, Filipino Advocates for Justice Youth Services Director, spoke in support of the Decoto Youth & Family Center Task Force.

Susana Peinado, CORE leader, spoke in favor of reinstating the Decoto Youth & Family Center Task Force, and allocating funds toward the creation of the Decoto Youth & Family Center.

Elizabeth Ames, chairperson of the Save Our Hills Committee, requested seed money from Measure WW funds to purchase land from the Masonic Home for a youth facility.

It was moved by Councilmember Duncan, seconded by Councilmember Ellis, to amend the proposed Capital Improvement Plan for FY 2011-12 through 2015-16 to allocate Measure WW funds in accordance with the Park and Recreation Commission recommendations as presented at the May 24, 2011, City Council Meeting, and for the remaining funds to be allocated to the Decoto Area Family & Youth Resource Center. The May 24, 2011, Park and Recreation Commission recommendations included:

- restroom renovation/replacement for Seven Hills Park, Kennedy Park, Town Estates Park, Contempo Park, and Cesar Chavez Park (Old Alvarado Park)
- improvements to Town Estates Park/Kitayama School, and Contempo Park
- lighting at Arroyo Park
- completion of Veteran's Memorial Park

Ayes: Councilmembers Duncan, Ellis and Gacoscos, Vice Mayor Navarro

Noes: Mayor Green

Absent: None

Abstain: None

It was moved by Councilmember Ellis, seconded by Councilmember Duncan, to adopt **Resolution No. 4160-11** Establishing an Appropriations (Gann) Limit for Fiscal Year 2011/12. Motion carried unanimously.

- 7.b Adopt a Resolution Approving the Master Fee Schedule for Fiscal Year 2011-12, and Adjustments Thereto for Changes in the Consumer Price Index and Increases as Prescribed in the Municipal Code; and Addition of New Fees for Environmental Programs Division

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

It was moved by Vice Mayor Navarro, seconded by Councilmember Gacoscos, to adopt **Resolution No. 4161-11** Amending the Master Fee Schedule for Fiscal Year 2011-2012. Motion carried unanimously.

- 7.c Report and Recommendations for Re-establishing the Decoto Youth & Family Resource Center Ad Hoc Task Force and Appointing Council Representatives to the Ad Hoc Task Force

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. Council received the report and provided comment.

Councilmember Gacoscos expressed interest in serving as an alternate on the task force.

Deputy City Manager Acosta clarified that no more than two Councilmembers may attend the task force meetings at one time.

Deputy City Manager Acosta stated staff recommends Council reinstate the task force and appoint two Councilmembers to serve as representatives.

Michael Ritchie, representing Save Our Hills, spoke in support of the Decoto Youth & Family Resource Center and the Decoto Youth & Family Center Task Force.

Elizabeth Ames, representing Save Our Hills, stated Save Our Hills would like to participate in the Decoto Youth & Family Resource Center Task Force.

Richard Valle stated he and Manny Fernandez would like to be a part of the Decoto Youth & Family Resource Center Task Force.

It was moved by Vice Mayor Navarro, seconded by Councilmember Duncan, to:

- re-establish the Decoto Youth & Family Resource Center Ad Hoc Task Force
- appoint Councilmember Duncan and Vice Mayor Navarro as Council representatives to the Decoto Youth & Family Resource Center Ad Hoc Task Force
- appoint Councilmember Gacoscos as the alternate Council representative to the Decoto Youth & Family Resource Center Ad Hoc Task Force
- appoint Richard Valle, Manny Fernandez, and a representative from the Save Our Hills Committee to the Decoto Youth & Family Resource Center Ad Hoc Task Force

Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS

Mira Geroy from the Union City library presented a video promoting the library's summer programs.

Barry Ferrier praised Alameda County Fire Department's response to a recent blaze in San Leandro, and stated this recent event reinforces Union City's decision to join ALCO Fire.

XII. SCHEDULED ORAL COMMUNICATION - None

XIII. ITEMS REFERRED BY COUNCIL

Agenda item 13.b was taken out of order and considered at this time. (See page 6 for minutes of action taken.)

13.a Oral Reports by Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Gacoscos stated she attended the Joint Session of the City Council and the Planning Commission on June 2, 2011.

Councilmember Gacoscos stated she attended the Alameda County Library Advisory Commission meeting on June 8, 2011. Discussion topics included the proposed Alameda County budget and reduced funding for libraries.

Councilmember Gacoscos stated she will attend the Housing Authority of Alameda County meeting on Wednesday, June 15, 2011.

Councilmember Ellis stated he will attend the Alameda County Fire Department Advisory Commission meeting on June 16, 2011.

Councilmember Duncan stated she attended the Economic Development Advisory Team meeting on May 25, 2011.

Councilmember Duncan stated she attended the Alameda County Transportation Commission meeting on May 26, 2011.

Councilmember Duncan stated she attended the Park and Recreation Commission park tour on June 4, 2011. Councilmember Duncan stated the tour included nine parks and the community garden.

Councilmember Duncan stated she attended the Silicon Valley Shell gas station grand opening on June 19, 2011, on the corner of Mission Boulevard and Whipple Road.

Mayor Green stated the Alameda County Transportation Commission and the Metropolitan Transportation Commission voted in favor of matching \$150,000 for a right-

of-way acquisition study with Union Pacific for the Dumbarton Corridor.

Mayor Green stated the Association of Bay Area Governments is predicting a drop in sales tax and ridership.

Mayor Green stated he attended an Alameda County Waste Management Authority presentation on technological advances in wind and solar power.

Mayor Green stated the East Bay Economic Development Alliance, which serves Alameda and Contra Costa Counties, is currently recruiting businesses from Contra Costa County, including Chevron.

13.b Referral from Councilmember Gacoscos Regarding Dream Act Legislation

Councilmember Gacoscos spoke in support of the Dream Act.

Samuel Gomez, CORE leader and James Logan High School graduate, stated he is currently studying to become an engineer. Mr. Gomez stated many of his peers do not have the same opportunities due to their immigration status. Mr. Gomez urged Council consider support for a Dream Act resolution.

Lucy, James Logan High School graduate and University of California Berkeley senior, asked Council to consider support of Dream Act legislation.

Suzanna Peinado, CORE leader, asked Council to pass a resolution in support of Dream Act legislation.

Samantha, James Logan High School graduate, stated she has her bachelor's degree in communications and is currently applying to graduate school. Samantha stated she is a 540 student which means she is ineligible for certain scholarships and job opportunities due to her immigration status. Samantha urged Council consider passing a resolution in support of Dream Act legislation.

Mayor Green clarified the item would need to be added to the June 28, 2011, City Council agenda for a resolution to be passed.

XIV. GOOD OF THE ORDER

Councilmember Duncan requested an update regarding the City's disaster plan for a future agenda.

Councilmember Duncan requested clarification regarding the closure of the 10th Street Boxing Center program which was mentioned by members of the public during tonight's meeting. City Manager Cheeves clarified the boxing program is currently included in the proposed two year budget. City Manager Cheeves also stated the building which houses the program, Fire Station #3, is scheduled for sale at some later date.

Councilmember Ellis stated there are two large potholes in the Union Landing Parking Lot near Applebee's, and requested staff contact property owners about repairing the potholes. Economic and Community Development Director Malloy stated each pothole is on a different property, and staff is in the process of notifying the property owners to make the necessary repairs.

Councilmember Ellis stated there is a large dip by the railroad tracks on Central Avenue, and inquired as to whose jurisdiction those repairs would fall under. City Manager Cheeves clarified the railroad has jurisdiction, and the City has performed temporary repairs but is unable to handle permanent repairs at this time. City Manager Cheeves stated the City is requesting the necessary repairs be completed by the railroad.

Councilmember Ellis stated Alameda County Water District had done work below the asphalt on Crown Court, and the fill which was used to repair the holes is coming back out again and needs to be redone.

Councilmember Gacoscos inquired about the affect of proposed redistricting on the City of Union City. City Manager Cheeves clarified the City has an interest in redistricting, but no authority. The redistricting on the Assembly, Senate and Congressional side is being handled by a special commission which was set up through an initiative process. There will be a series of workshops where the public may attend and indicate their preference before a decision is made with respect to redistricting. Mayor Green stated he is in favor of the three redistricting proposals for Union City.

Vice Mayor Navarro thanked Public Works Director Cheng for sending notices regarding overgrown vegetation to owners of empty lots on Union City Boulevard, and stated he noticed the problem had been taken care of.

Mayor Green stated there is a Chamber of Commerce luncheon on June 16, 2011.

Mayor Green stated he attended the 106th birthday celebration for Union City resident Antonio Zendejas at Our Lady of the Rosary on June 12, 2011.

Mayor Green stated he won the Men's 51-and-up division at the *5K Race to Save Student Activities* on June 11, 2011.

Mayor Green stated he judged 27 entries in the 20th Annual Great Rotary Fremont Chili Cookoff on June 5, 2011.

Mayor Green adjourned the regular meeting to closed session at 8:55 p.m.

XV. CLOSED SESSION

Mayor Green convened the closed session at 9:00 p.m.

15.a CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

(Pursuant to Government Code Section 54956.9a)

(City of Union City v. All Interested Parties, et al., Alameda County Superior Court Case Nos. RG 11565761, RG 11565121, RG 11565380, RG 11565392, RG 11565376, RG 11565367)

15.b CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

(Pursuant to Government Code Section 54956.9) (Two cases)

XVI. ADJOURNMENT

Mayor Green adjourned the closed session at 9:48 p.m. with no reportable action.

Respectfully submitted,

Regina McEvoy
Administrative Assistant to the City Clerk