

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

**TUESDAY, DECEMBER 13, 2011  
7:00 PM**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

***A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:00 P.M.***

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:21 p.m.

I.a Pledge of Allegiance

I.b Roll Call

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

Absent: None

Mayor Green announced the City Council had, in Closed Session by a unanimous vote, approved the City Manager's appointment of Police Captain Brian Foley to the position of Chief of Police, effective January 1, 2012. Captain Foley expressed his appreciation for the appointment.

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Resolution in Recognition of the 2011 Stopwaste Partnership Leadership Award Presented to Finelite, Inc. of Union City

Mayor Green read the resolution aloud and presented it to Mark Benguerel, Chief Operating Officer of Finelite, Inc. Mr. Benguerel expressed his appreciation, and noted Finelite's reduction in waste occurred during a period of forty percent product growth for the company.

3.b Resolution Congratulating and Honoring Police Chief Gregory Stewart upon his Retirement

Mayor Green read the resolution aloud and presented it to retiring Police Chief Greg Stewart. Chief Stewart expressed his appreciation for all of the support he has received from the City Council, staff, and family.

3.c Appointment of Vice Mayor

It was moved by Mayor Green, seconded by Councilmember Duncan, to appoint Councilmember Gacoscos as Vice Mayor. Motion carried unanimously.

#### IV. ORAL COMMUNICATIONS

Cynthia O'Brien, President of New Haven Schools Foundation, spoke about the importance of supporting upcoming fundraising activities, and invited everyone to attend "An Evening in Monte Carlo" at the Union City Sports Center on February 4, 2012.

#### V. CONSENT CALENDAR

It was moved by Councilmember Navarro, seconded by Councilmember Ellis, to approve Consent Calendar Items 5.a through 5.j 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 of the Special and Regular Meetings of November 22, 2011
- 5.c Approved Minutes for the Special City Council/Redevelopment Agency Meeting on November 29, 2011
- 5.d Approved Minutes for the Special City Council Economic Development Geographic Work Session on November 29, 2011
- 5.e Adopted **Resolution No. 4240-11** Accepting and Appropriating the 2010 Justice Assistance Grant (JAG) Funds from the Federal Department of Justice, Bureau of Justice Assistance for Radio Equipment and Professional Services Designed to Enhance the Present Capabilities of the Police Department
- 5.f Adopted **Resolution No. 4241-11** Authorizing the City Manager and the City Attorney to Perform Certain Functions Pertaining to Government Claims Against the City
- 5.g Adopted **Resolution No. 4242-11** for the Approval of Contract Change Order No. 7 for Transit Oriented Development (TOD) - East Plaza Improvements Project, City Project No. 10-13
- 5.h Adopted **Resolution No. 4243-11** Authorizing the Execution by the City of Union City of the Joint Powers Agreement (JPA) to Establish the Bay Area Regional Interoperable Communications System (BayRICS)
- 5.i Adopted **Resolution No. 4244-11** Approving Replacement of The Animal Control Vehicle for the Police Department, City Project No. 11-28, and Awarding Contract to Downtown Ford Sales, Sacramento, CA
- 5.j Adopted **RDA Resolution No. 453-11** by the Community Redevelopment Agency of the City of Union City to Accept the Audited Financial Statements and Other Required Reports of the Agency for FY 09-10

#### VI. PUBLIC HEARINGS - None

## VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution by the City Council of the City of Union City Authorizing the City Manager to Execute a Right-of-Entry and Due Diligence Agreement with Windflower Properties LLC and Direct the Developer and Staff to present a Report to the City Council in March 2012

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

Fei Tsen and Joy Ou, partners with Windflower Properties LLC, responded to comments and questions from Councilmembers.

It was moved by Councilmember Duncan, seconded by Councilmember Navarro, to adopt **Resolution No. 4245-11** Approving the Execution of a Right-Of-Entry Agreement Providing Windflower LLC with Access to Station District Properties. Motion carried unanimously.

- 7.b Adopt a Resolution of the City Council of the City of Union City to Approve the 2010 Association of Bay Area Governments Report "Taming Natural Disasters" as the City of Union City's Local Hazard Mitigation Plan (LHMP) and Adapt it to the City by way of the Union City Annex

Economic and Community Development Director Malloy presented the staff report and responded to questions from Councilmembers. Councilmembers provided comment. City Manager Cheeves stated the water and sewer districts currently have their own disaster plans, and staff will be exploring ways for utility providers and other agencies to participate in the development of integrated disaster plans. City Manager Cheeves briefly reviewed the proposed timeline for completion of the plan, and subsequent training opportunities and exercises.

Barry Ferrier stated 72 hours of emergency readiness is considered insufficient by today's standards, and requested Council consider two weeks as the minimum standard for planning purposes.

It was moved by Councilmember Ellis, seconded by Councilmember Duncan, to adopt **Resolution No. 4246-11** Approving the 2010 Association of Bay Area Governments (ABAG) Report "Taming Natural Disasters" as the City of Union City's Local Hazard Mitigation Plan (LHMP), and Adapt It to the City By Way of the Union City Annex. Motion carried unanimously.

- 7.c Adopt a Resolution to Authorize an Amendment to the FY 2011-12 Adopted Budget and Fiscal Year 2011-12 1st Quarter (QTR) Report on Budget to Actual Results for the Period of July 1 through September 30, 2011

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

It was moved by Councilmember Navarro, seconded by Vice Mayor Gacoscos, to accept the informational report, and adopt **Resolution No. 4247-11** Amending the Operating Budget for Fiscal Year 2011/2012. Motion carried unanimously.

## VIII. REDEVELOPMENT AGENCY - None

**IX. AUTHORITIES AND AGENCIES - None**

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

**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 Gacoscos stated she attended the New Haven Unified School District Joint Subcommittee meeting on November 28, 2011.

Vice Mayor Gacoscos stated she attended the Economic Development Geographic Work Session at the Sports Center on November 29, 2011.

Vice Mayor Gacoscos stated she attended the annual "Tree of Angels for Hospice" tree lighting at the Nakamura Clinic on November 30, 2011.

Vice Mayor Gacoscos stated the Housing Authority of Alameda County, and the Alameda County Library Advisory Commission, will not meet in December.

Councilmember Ellis stated he attended the Economic Development Geographic Work Session at the Sports Center on November 29, 2011.

Councilmember Ellis stated he attended the annual "Tree of Angels for Hospice" tree lighting at the Nakamura Clinic on November 30, 2011.

Councilmember Duncan stated she attended the New Haven Unified School District Joint Subcommittee meeting on November 28, 2011.

Councilmember Duncan stated she attended the Economic Development Geographic Work Session at the Sports Center on November 29, 2011.

Councilmember Duncan stated she attended the annual "Tree of Angels for Hospice" tree lighting at the Nakamura Clinic on November 30, 2011.

Councilmember Duncan stated she attended the Economic Development Advisory Team meeting on November 30, 2011.

Councilmember Duncan stated she attended the Youth and Family Services Town Hall meeting on December 1, 2011.

Councilmember Navarro stated he attended the Alameda County Fire Department's "Evening with Santa at the Fire House" event on December 11, 2011.

Councilmember Navarro stated he attended the "Joy of Christmas Celebration Concert" at the Union City Apostolic Church on December 11, 2011.

Mayor Green stated he will attend the Alameda County Transportation Commission retreat at the Newark Pavilion on December 16, 2011.

Mayor Green stated an event honoring former Newark Mayor Dave Smith will be held at the Newark Pavilion on January 27, 2011.

Mayor Green stated the Alameda County Transportation Commission Audit Committee held its first meeting on December 12, 2011.

Mayor Green stated he testified in favor of Assembly Bill 57 at a special committee meeting on December 13, 2011. Mayor Green spoke in favor of combining the Association of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission in one location.

Mayor Green stated he will attend the Alameda County Waste Management Authority meeting on December 14, 2011. Mayor Green stated the discussion will include mandatory recycling and a county-wide ban on plastic bags.

Mayor Green stated he attended the East Bay Economic Development Alliance's strategic planning workshop, "Building on our Assets: Economic Development & Job Creation in the East Bay", on December 5, 2011, in Concord.

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

Councilmember Navarro stated there are overgrown weeds near the gas station on Mission Boulevard, and requested steps be taken to address the issue.

Councilmember Ellis stated increased shopping activity has led to additional trash accumulating at Union Landing. Councilmember Ellis requested staff send notices to property owners to empty their trash bins more frequently, and suggested extra street sweeping be done in the parking lots.

#### **XV. CLOSED SESSION - None**

#### **XVI. ADJOURNMENT**

Mayor Green adjourned the Closed Session at 8:47 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott  
City Clerk