

**Minutes
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
October 11, 2005**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

**TELECONFERENCE LOCATION
MAYAN PALACE PUERTO VALLARTA
PASEO DE LA MARINA SUR N/R 220
PUERTO VALLARTA, JALISCO 48354, MEXICO**

Mayor Green called the meeting to order at 7:15 p.m.

I. PLEDGE OF ALLEGIANCE – Mayor Green led the flag salute

II. ROLL CALL: Present: Councilmembers Dutra-Vernaci (teleconference location),
Fernandez, Valle, Vice Mayor Dutra-Vernaci, Mayor Green
Absent: None

III. UNFINISHED BUSINESS

A. An Urgency Ordinance establishing a moratorium on the approval of permits for recycling facilities pending the completion of an update to Chapter 18.40 of the Municipal Code

Councilmember Valle advised of a conflict of interest due to his employment with a recycling facility, recused himself and left the Council Chamber.

Director Leonard introduced the staff report and stated that past problems with certain recycling operations has raised concerns about the way the city has classified these facilities in the Zoning Code. Specifically, recycling operations are currently listed as a Permitted Use in certain industrial districts. As such, there is no public hearing process to receive input from the community. This action before the City Council would place a temporary moratorium on the issuance to permits for recycling facilities until the process issues can be further studied.

Motion: It was m/s by Navarro/Fernandez to waive full reading and adopt **Urgency Ordinance No. 659-05** establishing a moratorium on the approval of permits for recycling facilities pending the completion of an update to Chapter 18.40 of the Municipal Code. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Mayor Green
Noes: None
Absent: Councilmember Valle
Abstain: None

Councilmember Dutra-Vernaci excused herself from the meeting at 7:23 p.m., and Councilmember Valle rejoined the meeting.

IV. APPROVAL OF MINUTES

A. Minutes of September 27, 2005

Motion: It was m/s by Navarro/Valle to approve the minutes as submitted. Motion carried with Dutra-Vernaci absent.

V. PROCLAMATIONS/PRESENTATIONS

A. Introduction of new and promoted employees

Chief Ulibarri introduced Dispatcher Dawn Markling and Police Officers Michael Nasser, Andrew Holt, and Steve Cesaretti. Community Development Director Leonard introduced Assistant Planners Avalon Evans and Janice Lum. City Clerk Diaz introduced Part-time Office Specialist I Cher Brook-Eleazarraraz.

B. Proclamation in honor of Sam LoBese Firefighter/Paramedic of the Year 2005

Accepting the proclamation on behalf Sam LoBese was Fire Marshall Mapes.

C. Proclamation proclaiming October 9-15 Fire Prevention Week

Fire Marshall Mapes accepted the proclamation and offered safety tips for the use of candles.

D. Proclamation recognizing the Hayward South Alameda County Branch of the NAACP and 2005 NAACP Community Service Award Recipient, Tommie Lindsey

E. Proclamation recognizing the 60th Anniversary of the United Nations

VI. ORAL COMMUNICATIONS

Sister City Committee Member Lee Guio presented a letter from the Lord Mayor of the City of Chiang Rai, Thailand extending an invitation to the Council to attend the November 2005 Loy Krathong and cultural relationship Festival.

VII. HEARINGS – None

VIII. REPORTS FROM CITY MANAGER – None

IX. REDEVELOPMENT AGENCY

A. Report on TMG Partners proposed land use plan for the Intermodal Station, and adopt a Resolution authorizing staff to proceed with negotiating a Disposition and Development Agreement

Redevelopment Manager Evanoff introduced the staff report. He advised that the Redevelopment Agency entered into an Exclusive Negotiation Agreement with TMG Partners to prepare a land use plan and proposed business terms for the sale of a portion of the former PG & E pipe yard adjacent to the future Intermodal Station. He outlined the steps necessary to approve the plan and negotiate a disposition and development agreement.

The proposed land use plan prepared by TMG Partners includes input from the Citizens Advisory Committee and staff. If the land use plan is acceptable to the Agency Board, staff and TMG Partners will proceed with preparing the business terms for the sale of property and return to the City Council and Agency Board in March 2006, for entitlement and approval of a Disposition and Development Agreement.

David Cropper of TMG Partners thanked the Citizens Advisory Committee, described the goal "To create a balanced transit oriented development project including office, retail, community facilities and residential products". He outlined the successful project characteristics and provided a visual walking tour of the project.

Council engaged in a question and answer period.

Barry Luboviski, Building & Construction Trades Council of Alameda County, AFL-CIO, requested that they be included in discussions concerning prevailing wages, and expressed concern about the timeline.

JJ Amaya addressed the art element and felt it should depict the heritage and history aspect of the city.

Barry Ferrier, Citizens Advisory Committee member addressed the parking issues associated with this project.

Cathi Sweeney, Citizens Advisory Committee member, said she was surprised to see that the flex zone is already being shown as residential designation on the conceptual plan. She asked that the cost of fire equipment be looked at when the fee structure is being considered. She suggested that Council hold a workshop.

Council recessed to a break at 9:00 p.m. The meeting reconvened at 9:18 p.m., with Councilmember Dutra-Vernaci absent.

Barry Ferrier addressed the office space area and supported Ms. Sweeney's suggestion of a workshop.

Mayor Green and Councilmember Valle asked about the process to allow labor representation at the table.

Mr. Cropper felt this would be a policy decision and said TMG Partners would help out in the process.

City Manager Cheeves advised that staff would work with labor groups to determine the structure to put in place.

Councilmember Valle questioned the process for the pro forma and the project design.

Mayor Green questioned the projects timeline and spoke of the need to hit the housing threshold formulas required to receive transportation agency funding. He asked if the land use plan needed to be approved before negotiations could start.

Director Leonard advised that the land use plan approval is critical to move forward.

Green suggested a work session on the land use element at 7:00 p.m. on October 19, 2005.

X. **AUTHORITIES/AGENCIES** – None

XI. **REPORTS FROM CITY COMMISSIONS/COMMITTEES** – None

XII. **CONSENT CALENDAR/RESOLUTIONS**

- A. Pulled for discussion – Adopt a Resolution approving specifications and authorizing solicitation of bids for six (6) Patrol Cars, City Project No. 05-60
- B. Adopted **Resolution No. 3063-05** awarding a contract to Cal-West Lighting & Signal Maintenance, Inc. in the amount of \$82,050 annually for Street Light Maintenance (2005-2008), City Project No. 05-05
- C. Adopted **Resolution No. 3064-05** awarding a contract to Cal-West Lighting & Signal Maintenance, Inc. in the amount of \$72,660 annually for Traffic Signal Light Maintenance (2005-2008), City Project No. 05-06
- D. Adopted **Resolution No. 3065-05** approving the reappointment of William Boylan to the Park and Recreation Commission
- E. Adopted **Resolution No. 3066-05** appointing the Youth Commission Nominating Committee
- F. Pulled for discussion – Adopt a Resolution appropriating grant funds in the amount of \$330,000 from the Cable TV Franchise Agreement to Fund 6100 for City Council Chamber audio and video system upgrades, City Council meeting televising, and equipment for the James Logan High School video production facility, and creating Project No. 80564 and 80565 for said appropriations
- G. Pulled for discussion – Adopt a Resolution approving the “Sentinels of Freedom Program – Operation Welcome Home”
- H. Rejected Claim No. 642 presented by Arthur Seymore as recommended by the City’s Claims Administrator

Motion: It was m/s by Fernandez/Navarro to approve Consent Items B, C, D, E & H as recommended by staff. Motion carried with Dutra-Vernaci absent.

Item No. A – JJ Amaya suggested that instead of purchasing six patrol cars that the City purchase four patrol units and two ambulances.

Fire Marshall Mapes and Chief Ulibarri spoke to some of the issues of having city-operated ambulances.

It was m/s by Valle/Fernandez to adopt **Resolution No. 3067-05** approving specifications and authorizing solicitation of bids for six (6) Patrol Cars, City Project No. 05-60. Motion carried with Councilmember Dutra-Vernaci absent.

Item No. F – Councilmember Fernandez felt that the acoustics in the building are a problem and thought the issue needed to be addressed. He suggested that the visual equipment be updated to allow overhead projection from a table near the podium.

It was m/s by Fernandez/Valle to adopt **Resolution No. 3068-05** approving appropriating grant funds in the amount of \$330,000 from the Cable TV Franchise Agreement to Fund 6100 for City Council Chamber audio and video system upgrades, City Council meeting televising, and equipment for the James Logan High School video production facility, and creating Project No. 80564 and 80565 for said appropriations. Motion carried with Councilmember Dutra-Vernaci absent.

Item No. G – Councilmember Valle thanked Councilmember Navarro for bringing this item forward. He noted that veterans post located in the Niles area is seeking new members.

It was m/s by Valle/Fernandez to adopt **Resolution No. 3069-05** approving the “Sentinels of Freedom Program – Operation Welcome Home”. Motion carried with Councilmember Dutra-Vernaci absent.

XIII. ORAL COMMUNICATIONS

Barry Ferrier noted that Fremont and some of the other cities are looking into a way to get improved ambulance service.

XIV. CORRESPONDENCE – None

XV. APPROVAL OF BILLS

A. Approve September 2005 Disbursement List

Motion: It was m/s by Valle/Fernandez to approve the Disbursement List as submitted. Motion carried with Dutra-Vernaci absent.

XVI. SCHEDULED ORAL COMMUNICATIONS

A. J.J. Amaya concerning policy changes overseen by the City Council

Mr. Amaya asked that the Council consider creating the following policies: 1) A process for testing the blood of an officer involved incident. 2) Not allowing the shooting trainer to be present while officers are providing statements. 3) The preservation and protection of original reports in an officer involved incident. 4) Avoid the clearing of any officer through the media. 5) Not allowing the District Attorney to be present during the interview process for officers. 6) Use of video with sound to tape officer interviews and statements. 6) Create a tracking process for the expenditures of funds associated with a lawsuit. 7) Police officers involved in litigation should not be presented with any type of award until the case is over.

XVII. ITEMS REFERRED BY COUNCIL

A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Councilmember Navarro noted that he attended the Joint City/School meeting, the Four Corners Merchants meeting; the League of California Cities Annual Conference; and the PSSC land sales committee meeting.

XVIII. GOOD OF THE ORDER

Councilmember Valle thanks staff for the traffic study on 13th and H Streets.

Councilmember Navarro noted the amount of trash along the 880 corridor from San Jose to Vallejo and asked staff to contact Caltrans. He also requested that staff look into the possibility of installing lights at the dog park.

Mayor Green spoke of traffic issues concerning the recent fatal car crash involving a guard wall.

The meeting adjourned to closed session at 10:24.

XIX. CLOSED SESSION

A. Conference with Real Property Negotiators

Pursuant to Section 54956.8 of the Government Code

Property: 1320-1330 Decoto Road, APN 087-0019-012-01

Agency negotiator: Mark Leonard and Mark Evanoff

Negotiating parties: Union Square LLC

Under negotiation: Price and Terms

Property: APN: 087-0011-006 and 087-0020-003

Agency negotiator: Mark Leonard and Mark Evanoff

Negotiating parties: Alameda County Transportation Authority

Under negotiation: Price and Terms

Property: APN: 087-0102-005, 087-0102-007, 087-0102-006, and 087-0101-080

Agency negotiator: Mark Leonard and Mark Evanoff

Negotiating parties: 2C Development Co. LLC

Under negotiation: Price and Terms

B. Conference with Labor Negotiators

Pursuant to Section 54957.6 of the Government Code

City designated representatives: Larry Cheeves, Tony Acosta, Rich Digre

Employee organizations: Department Heads
Police Management
Management
Police Officer Association
Professionals
SEIU Local 790

The meeting reconvened in open session at 11:58 p.m., with no action to report.

XX. ADJOURNMENT- There being no further business, Mayor Green adjourned the meeting at 12:00 a.m.

Respectfully submitted,

Karen Diaz, MMC
City Clerk