

Minutes
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
April 25, 2006

I. CALL TO ORDER: Mayor Green called the meeting to order at 7:10 p.m.

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

I.b Roll Call: Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle
Mayor Green

II. UNFINISHED BUSINESS: None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Presentation of Summer 2006 Activity Guide Art Contest Winners

The Council presented certificates of achievement to the following Summer 2006 Activity Guide Art Contest Winners:

Grand Prize Winner: Emily Lin, 3rd Grade

Preschool- 1 st Grade	2 nd and 3 rd Grade	4 th Grade and Up
1 st Place Jason W. Zhou 1 st Grade	1 st Place Priya Agarwal 3 rd Grade	1 st Place Emily Lin 4 th Grade
2 nd Place Alan Lin Kindergarten	2 nd Place Tenwie Peng 3 rd Grade	2 nd Place Tenyie Peng 7 th Grade
3 rd Place Andrew Ye 1 st Grade	3 rd Place Sara Ye 2 nd Grade	3 rd Place Tulasi Dalal 4 th Grade

Honorable Mention Winners:

Jessica Zhu 2 nd Grade	Annie Chiou 7 th Grade	Joshua Liu Kindergarten
Aurick Zhou 3 rd Grade	Esther Liu 1 st Grade	Rachel Bitz 8 th Grade
Alan Shen 2 nd Grade	Jennifer Xiong 5 th Grade	Mandy Hom 4 th Grade
Christina Guan 2 nd Grade	Queenie Lau 8 th Grade	Tiana Cheung Kindergarten

- 3.b Presentation on the Avian Flu by Dr. Tony Iton from Alameda County Health Department

Anthony Iton, M.D., J.D., M.P.H., Health Officer for Alameda County Health Department, provided a slide presentation entitled *Influenza Update and Preparedness Challenge*.

Chief Rodriguez outlined steps the fire department has undertaken in the way of preparedness, and advised that staff is working on developing a master plan.

Barry Ferrier shared his concerns as C.E.R.T. Member. He felt training and public education are key factors in emergency preparedness.

IV. ORAL COMMUNICATIONS

Hugh McNamara spoke of the vacant lot near Contempo that is currently under cleanup and noted the amount of furniture that was dumped on it.

V. CONSENT CALENDAR – Item No. 5.i was pulled for separate action.

- 5.a Waived second reading and adopted **Ordinance No. 667-06** authorizing an amendment to the contract for retirement benefits with California Public Employees Retirement System for Miscellaneous Employees
- 5.b Waived second reading and adopted **Ordinance No. 668-06** adding Section 1.104.060 to the Municipal Code regarding consistency with State and Federal Law
- 5.c Approved Special and Regular Meeting Minutes of April 11, 2006
- 5.d Adopted **Resolution No. 3154-06** authorizing the sale of one surplus sweeper
- 5.e Adopted **Resolution No. 3155-06** approving Final Tract Map 7578, 30977 Union City Boulevard at Bettencourt Way, PBP, Limited Partnership
- 5.f Adopted **Resolution No. 3156-06** accepting Public Improvements for Tract 7144, northerly Terminus of Tidewater Drive off Smith Street, Standard Pacific Corp.
- 5.g Adopted **Resolution No. 3157-06** authorizing the application with Metropolitan Transportation Commission (MTC) for the Allocation of FY 06/07 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Funds for City Project No. 05-72
- 5.h Adopted **Resolution No. 3158-06** authorizing the City Manager to enter into a license agreement between the City of Union City and The Purple Lotus Temple for future easement at Alvarado-Niles Road and Fox Avenue
- 5.j Adopted **Resolution No. 3159-06** authorizing the Union City Police Department to accept and appropriate the 2006 Alameda County Health Department Tobacco Control Program Grant

Motion: It was m/s by Valle/Dutra-Vernaci to approve Consent Items 5.a through 5.h and 5.j as recommended by staff. Motion carried unanimously.

- 5.i Adopt a Resolution authorizing the Union City Police Department to accept and appropriate the California Seat Belt Compliance Campaign Grant from the State of California Business, Transportation and Housing Agency – Office of Traffic Safety

In response to Mayor Green, Captain Stewart explained the program and advised that there will be zero-tolerance enforcement.

Motion: It was m/s by Green/Fernandez to waive full reading and adopt **Resolution No. 3160-06** authorizing the Union City Police Department to accept and appropriate the California Seat Belt Compliance Campaign Grant from the State of California Business, Transportation and Housing Agency – Office of Traffic Safety as recommended by staff.

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

VI. PUBLIC HEARINGS

- 6.a Joint City Council/Community Redevelopment Agency Hearing: Resolutions authorizing execution of a Disposition and Development Agreement with Stern & Company, and making statutory findings and approvals in connection with development of eight affordable single-family homes in the Decoto neighborhood portion of the Union City Community Redevelopment Project area (former Norcal Steel site)

Vern Smith, HCD Coordinator introduced the staff report. The proposed project will include eight, four-bedroom single-family homes, to be built by Stern & Company. The units will sell for approximately \$363,000, which would be affordable to a moderate-income household of five at 110% of median income. To achieve the required affordability for the project, it will be necessary to provide a grant up to a maximum of \$300,000 from the Agency for the entire project.

In response to Councilmember Dutra-Vernaci, HCD Coordinator Smith explained the deed restriction requirements, and lottery process.

Mayor Green opened the public hearing. There being no one wishing to speak, the hearing was closed.

Motion: It was m/s by Valle/Dutra-Vernaci to waive full reading and adopt **Community Redevelopment Agency Resolution No. 333-06** authorizing execution of a Disposition and Development Agreement with Stern & Company, approving a grant in the amount \$300,000 and making statutory findings and approvals in connection with development of eight affordable single-family homes in the Decoto Industrial Subarea of the Union City Community Redevelopment Project Area and **City Council Resolution No. 3161-06** authorizing execution by the Community Redevelopment Agency of the City of Union City of a Disposition and Development Agreement with Stern & Company, and making statutory findings and approvals in connection with development of eight affordable single-family homes in the Decoto Industrial Subarea of the Union City Community Redevelopment Project Area as recommended by staff. Motion passed by the following vote:

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

- 6.b Public Hearing of the City Council to annex territory into Community Facilities District No. 2005-1 covering property to be developed by PANCAL KENITA, LLP (APN 475-157-51, the former Hiramine Nursery), to conduct the election, and adopt all resolutions necessary to implement the special tax

Councilmember Fernandez advised that he owned property within the subject area and left the Council Chamber.

Community Development Director Leonard presented the staff report. He stated that Council approved a Resolution of Intention to annex this area into CFD 2005-1 at their March 14, 2006 meeting. Annexation of this property to CFD 2005-1 is a conditional of approval for development of the site.

Mayor Green opened the public hearing.

Mayor Green asked the City Clerk to confirm that the property owner has waived all required notices of the hearing. City Clerk Diaz stated that waivers were received.

Mayor Green inquired of the City Clerk whether any written protests were received. City Clerk Diaz advised that there were none.

Mayor Green asked if there are any persons registered to vote within the proposed annexation area, and if so, how many. City Clerk Diaz stated that there were none.

Mayor Green asked if written consents to hold the Community Facility District election today had been received from all landowners within the proposed annexation area of the CFD. City Clerk Diaz advised that consents were received.

Mayor Green asked the City Clerk if she concurred with holding the special election for the annexation area today. City Clerk Diaz said yes.

Motion: It was m/s by Dutra-Vernaci/Navarro to waive full reading and adopt **Resolution No. 3162-06** authorizing of Territory to Community Facility District No. 2005-1 and authorizing the levy of a special tax and submitted the levy of tax to the qualified electors; and **Resolution No. 3163-06** Calling a Special Election and submitted to the voters of Annexation No. 1 of Community Facilities District No. 2005-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 1 to finance police services, fire protection and suppression services, park maintenance and the establishment of an appropriations limit as recommended by staff. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Navarro, Valle, Mayor Green
Noes: None
Absent: Councilmember Fernandez (due to conflict of interest)
Abstain: None

Mayor Green closed the public hearing.

Mayor Green requested that the City Clerk conduct the special election. City Clerk Diaz opened the ballot and read yes votes for Propositions A and B, which resulted in three votes in favor, none opposed.

Motion: It was m/s by Dutra-Vernaci/Navarro to waive full reading and adopt Resolution No. 3164-06 making certain findings, certifying the results of the special election and adding property to Community Facilities District No. 2005-1 (Public Services), Annexation No. 1 as presented by staff. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Navarro, Valle, Mayor Green
Noes: None
Absent: Councilmember Fernandez (due to conflict of interest)
Abstain: None

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution approving the Appian Way Median Landscaping Phase 1 Project, City Project No. 03-07

Councilmember Navarro advised that he owned property within the subject area and left the Council Chamber. Mayor Green noted Councilmember Fernandez also had interest in property within the area.

Public Works Director Cheng presented the staff report. She noted that staff has been working with Seven Hills Neighborhood Group to develop a conceptual plan for the improvements of the median landscape at Appian Way. With recent passage of a ballot measure allowing local zones for the Lighting & Landscaping District, it is staffs hope that this pilot City funded project will encourage acceptance from the neighbors to self-fund the subsequent/remaining improvements along Appian Way. Staff recommended adoption of the proposed resolution appropriating \$65,000 from Lighting & Landscaping Assessment District Program Reserves and transfer \$40,000 from Street Overlay Gas Tax Program to fund the Appian Way Median Landscaping Phase I Project.

Mayor Green asked the amount of staff time required for maintenance of the new improvements. Mr. Sachs advised that due to type of plant material, maintenance would be minimal.

Dave Barges felt the proposed improvement would be a benefit for both the residents in the area and the entire community. He explained why the less expensive improvements were selected and encouraged Council to continue the improvements to the top of Seven Hills.

John Petzerlteri spoke of the lack of improvement that existed for quite a long time. He addressed the despair of the vacant lot on Appian Way, and encouraged Council to continue the improvements to the top of the hill.

John Haley, 20-year resident of the area, expressed thanks for the substantial improvements over the past four years. He asked if improvement at the top of the hill would be included in the assessment district. He spoke about the poor condition of the

vacant lots at the end of Appian Way, and noted that the PG&E poles need to be painted.

Bruce Chan, 21-year resident of the area, thanked staff for the attention they have given to this issue. He asked that Council consider placement of a median barrier on Appian Way at the first cross street.

Jeanie Barges spoke in support of staff's recommendation. Due to the 25-year history of incomplete improvements, she stressed the importance to continue the goal of completing all medians on Appian Way.

Hugh McNamara said any barrier placed on Appian Way needs to be substantial.

Bruce Chan felt the barrier could be very attractive, well designed and incorporated into the plan.

Mayor Green commended the residents for taking an active role in contributing to the city. He spoke of the other areas in need median improvements. In an effort to accelerate the improvements to the top of the hill, he suggested that the group look into financial participation.

Councilmember Dutra-Vernaci asked staff to explain the process for determining which areas in the City would need improvement.

City Manager Cheeves advised that projects are assessed during the budget hearing process and that staff looks at areas in the greatness of need.

Councilmember Valle encouraged the residents to continue their involvement in working with the city. He acknowledged other significant improvement projects the Council has embarked on.

Motion: It was m/s by Valle/Green to adopt **Resolution No. 3165-06** appropriating supplemental funds from Lighting & Landscaping District Fund Reserve (Fund 3200) in the amount of \$65,000 and transferring funds from the Street Overlay State Gas Tax Fund (Fund 3100) in the amount of \$40,000 for Appian Way Median Landscaping Phase I Project, City Project No. 03-07 as recommended by staff. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Valle, Mayor Green
Noes: None
Absent: Councilmembers Fernandez, Navarro (due to conflict of interest)
Abstain: None

Councilmembers Fernandez and Navarro rejoined the meeting.

7.b Report on Fiscal Year 2005-06 Third Quarter Report on budget to actual results and Check Disbursement Listing for the same period

Administrative Services Director Digre summarized General Fund revenues and expenses. With 75% of the fiscal year elapsed, he advised that the City's General Fund is within the target plan established at the beginning of the fiscal year with revenues

exceeding expectations at this point within the fiscal year. He recommended three adjusting General Fund appropriations: (1) \$476,700 addition to Police Department budget allocations to account for Photo Red Light Enforcement program expenses not properly funded at the time of initial budget approval; (2) \$225,000 shifted from the Litigation Contingency Reserve account to the City Attorney's General Fund allocations to account for unexpected legal expenses not known at the time of the Budget adoption; (3) \$20,200 increase to the Fire Department budget to reimburse the City of Fremont for payoff of leave balances pursuant to an agreement between the cities dated June 13, 2000.

Barry Ferrier thanked staff and the Council for continuing to provide these reports. He expressed concern with sun-setting of Measure B funds, the State's triple flip, and the 9-1-1 surcharge funds which could be at risk in the future.

John Haley also thanked staff for the in-depth analysis of these quarterly reports. He suggested a little more visibility in the presentation.

Hugh McNamara felt the opening of new stores in the old landfill area of Fremont has hurt Union City in the way of sales tax.

George Adas encouraged reaching out to the public through newsletters.

Motion: It was m/s by Green/Fernandez to accept the report and adopt **Resolution No. 3166-06** amending the General Fund (1000) Operating Budget for Fiscal Year 2005/06 as recommended by staff. Motion passed by the following vote:

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

VIII. REDEVELOPMENT AGENCY: None

IX. AUTHORITIES AND AGENCIES: None

X. CITY COMMISSION/COMMITTEE REPORTS: None

XI. ORAL COMMUNICATIONS

Barry Ferrier thanked Council for scheduling the Avian Flu presentation. He stressed the need to disseminate information to the general public.

XII. SCHEDULED ORAL COMMUNICATION: None

XIII. ITEMS REFERRED BY COUNCIL

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

Councilmember Dutra-Vernaci advised that as member League's Housing & Community Development Policy Committee she phoned Assembly Member Torrico to request that he vote no on AB 2922, which would increase the required housing set aside to 50%.

RDA Manager Evanoff explained the impacts of AB 2922 and advised that the City/Agency continually exceeds current set aside requirements.

Councilmember Navarro noted that he recently attended an Airport Noise Committee meeting and the 50th Anniversary Planning Committee meeting.

Councilmember Fernandez spoke of the ABAG meeting he attended concerning transportation and suggested reviving the Transportation Agency.

XIV. GOOD OF THE ORDER

At the request of Councilmember Valle, Director Leonard gave an update on the Sky Venture Project.

Councilmember Valle expressed concern with the amount of misinformation about recent actions of the Council regarding Contempo. He suggested that a fact sheet be developed and sent to Contempo residents clarifying the actions of Council and to advise that no action has been taken for the City to acquire and demolish their homes.

Mayor Green inquired about the status of the Union City Boulevard update. Director Cheng advised that staff should receive the draft report in the next two weeks.

Mayor Green asked about the status of the shopping cart issue. City Manager Cheeves said staff is working to bring the issue to Council at the second meeting in May.

The meeting adjourned to closed session at 10:00 p.m.

Councilmember Valle left the meeting.

XV. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code 54956.8
Property: APN 486-003-028-00, APN 486-003-029-00
Agency negotiators: Mark Leonard and Mark Evanoff
Under negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code 54956.9(a)
Bay Area Cellular et al. vs. City of Union City, Alameda County Superior Court, Action No. HG04-161366

The meeting reconvened in open session at 10:30 p.m. with the following action reported:

The City Council acted to authorize an appeal of the Superior Court ruling in the Bay Area Cellular et al. v. City of Union City litigation, conditioned upon the plaintiffs' dismissal of the other causes of action in their complaint. Councilmember Valle absent.

XVI. ADJOURNMENT: There being no further business, Mayor Green adjourned the meeting at 10:33 p.m.

Respectfully submitted,

Karen Diaz, MMC
City Clerk