

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, August 8, 2006
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER – Mayor Green called the meeting to order at 7:05 p.m.

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

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

Mayor Green read the rules for conduct of the meeting.

II. UNFINISHED BUSINESS: None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Presentation by the Superintendent of Schools, New Haven Unified School District, on Key Issues Facing the District

Superintendent Jaurequi provided an update on the issues and challenges facing the New Haven Unified School District. Dr. Jaurequi reported on the importance of closing the achievement gap and the impacts of declining enrollment. Steps taken by the district to address those challenges include (1) adopting staffing ratios for site administrators and clerical staff; (2) making changes in the district's transportation system that will redirect over \$250,000 in supplemental grant funds; and, (3) maximizing use of school facilities. The school board voted in May to save \$1 million dollars per year by closing one elementary school at the start of the 2007-08 school year, and one middle school effective at the start of the 2008-09 school year. Dr. Jaurequi reported the district will be working closely with the community as it decides which schools to close. Mayor Green and Councilmembers noted some of their preferences for schools they would like to see remain open. Mayor Green and Councilmembers expressed their appreciation for the report and requested future presentations on an annual basis.

3.b Presentation of a Proclamation for the Union City Sister City Festival

Mayor Green read the proclamation in its entirety and presented it to a representative of the Friends of Sister Cities committee, who introduced fellow committee members and thanked Council and the community for their support. The second annual Union City Sister City Festival is scheduled to be held on August 13, 2006, from 5 – 8 pm, at the Ruggieri Senior Center.

IV. ORAL COMMUNICATIONS

Gertrude Corchero and Mattie Rousseau spoke about the importance having agendas and minutes sent to those senior citizens unable to retrieve the information from the City's website. Hugh McNamera spoke of the good work that had been accomplished in clearing weeds from a vacant lot. John Haley spoke about the changing character and ethnicity of Old Decoto. Charlie Cameron spoke about, and provided written corrections for, information contained in an AC Transit brochure.

V. CONSENT CALENDAR

Items 5.f, 5.g, 5.h, 5.i. and 5.j were removed for discussion. The following items were considered with one motion and one vote:

- 5.a Waived Further Reading of Proposed Ordinances (Permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)
- 5.b Approved Regular Meeting Minutes of May 9, 2006 and June 27, 2006, and Special Meeting Minutes of May 9, 2006 and July 11, 2006
- 5.c Adopted **Ordinance No. 672-06**, an Ordinance of the City of Union City Amending Title 18, Zoning, of the Union City Municipal Code (AT-03-06)
- 5.d Adopted **Ordinance No. 673-06**, an Ordinance of the City Council of the City of Union City Approving a Development Agreement Between the City of Union City and Avalon Bay Communities, Inc.
- 5.e Adopted **Ordinance No. 674-06**, an Ordinance of the City Council of the City of Union City Regulating Shopping Carts by Adding Chapter 7.22, "Shopping Carts," to the Union City Municipal Code
- 5.k Adopted **Resolution No. 3228-06** approving UPPR Pre-emption work in support of Tidewater Drive/Smith Street Signal, City Project No. 04-13
- 5.l Rejected Claim No. 670, filed by Emily Kung-Johanson, as recommended by the City's Claims Administrator
- 5.m Denied the Application for Late Claim and Rejected Claim No. 671, filed by Ricardo Vega (aka Richard Vega), as recommended by the City's Claims Administrator

It was moved by Councilmember Navarro, seconded by Councilmember Dutra-Vernaci, to approve Consent Items 5.a through 5.e, and 5.k through 5.m, as recommended by staff. Motion carried unanimously.

Consideration of items 5.f, 5.g, 5.h, 5.i. and 5.j removed from the Consent Calendar:

- 5.f Adopt Resolutions approving Tentative Tract Map 7733 and Site Development Review SD-07-06 to allow Stern & Company to subdivide 1.32 acres located at 34100 Seventh Street into eight single-family residential lots and a 7,120 square foot area to expand an existing neighborhood park and construct new affordable homes

In response to Vice Mayor Valle's request for an update from staff, Economic Development Director Leonard and City Manager Cheeves described the location of the site and nearby park, and provided a brief update on the status of the 7th Street Fire Station.

Willow Lane resident Dennis Kreinbrink noted the importance of including adequate and proper irrigation when designing the park. There were no other speakers on the matter.

It was moved by Vice Mayor Valle, seconded by Councilmember Fernandez, to adopt **Resolution No. 3229-06** approving Tentative Tract Map No. 7733, initiated by Stern & Company, and **Resolution No. 3230-06** approving Site Development Review SD-07-06, initiated by Stern & Company. Motion carried unanimously.

- 5.g Adopt a Resolution approving Site Development Review SD-08-06 and Variance V-05-06 to allow Twelve Star Builders to construct a new 7,300 square foot two-story building that will house Elite Bakery, one additional tenant space at ground level and a second floor of tenant office space above. The Variance permit is to reduce the required front yard setback and required parking demand. The project site is a vacant parcel located at 4123 Dyer Street close to Alvarado Boulevard intersection.

Economic Development Director Leonard responded to requests for clarification from Councilmembers Fernandez and Navarro. There were no speakers on the matter.

It was moved by Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3231-06** approving Site Development Review, SD-08-06, and Variance Permit, V-05-06, initiated by Twelve Star Builders for the construction of Elite Bakery. Motion carried unanimously.

- 5.h Adopt a Resolution rejecting bid for the Civic Center Irrigation and Lagoon Restoration Project, City Project No. 04-10 & 05-19

Public Works Director Cheng responded to questions from Mayor Green and Council regarding the adjusted scope for the project including the pumping and aeration systems, issues related to debris left by foul, and signage. Ms. Cheng noted staff plans to re-bid the project in approximately six months. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3232-06** rejecting the sole bid from Templeton Engineering Contractors and authorizing staff to modify and re-advertise the Civic Center Lagoon Restoration, and Parks Irrigation Renovation, City Project Nos. 04-10 and 05-19. Motion carried unanimously.

- 5.i Adopt a Resolution rejecting bid for the Dry Creek Park, City Project No. 03-16

Public Works Director Cheng responded to questions from Mayor Green and Council regarding interim plans for the site pending a re-bid of the project. Ms. Cheng stated staff was securing cost estimates for grading and fencing the site, and considering interim uses – such as a play area - that would not impact future development plans. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Fernandez, to adopt **Resolution No. 3233-06** rejecting sole bid from CPM Constructors, Inc. and authorizing staff to modify and re-advertise the Dry Creek Park Development, City Project No. 03-16. Additionally, Council directed staff to present information on interim uses at the September 12, 2006 City Council meeting. Motion carried unanimously.

- 5.j Adopt a Resolution rejecting bid for Appian Way Median Improvements, City Project No. 06-11

Councilmember Fernandez recused himself due to a potential conflict of interest and left the Council Chambers.

Public Works Director Cheng responded to questions from Mayor Green and Council. Ms. Cheng noted the project could be separated prior to re-bidding into two jobs: concrete median work and landscaping.

Monte Carlo resident John Haley suggested checking with surrounding cities for the names of contractors they might recommend, and requested Neighborhood Preservation staff visit the area to check for violations. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3234-06** rejecting the sole bid from Sposeto Engineering Inc. and authorizing staff to modify and re-advertise Appian Way Median Improvements, City Project No. 06-11.

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

(Councilmember Fernandez returned to the Council Chambers.)

VI. PUBLIC HEARINGS

- 6.a Tentative Tract Map (TTM 7800) to subdivide a 20,054 square foot parcel into five separate parcels, dividing the existing 10,297 square foot building into four (4) separate condominium tenant spaces. This item was continued at the July 20th Planning Commission meeting to the August 17th meeting and will not be heard by the City Council until September 12, 2006.

Economic Development Director Leonard requested continuance of the item to the September 12, 2006 meeting, noting republication of the item would not be required. Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Vice Mayor Valle, seconded by Councilmember Navarro, that the public hearing be continued to September 12, 2006. Motion carried unanimously.

- 6.b Appeal of a Planning Commission decision approving Administrative Site Development Review (ASD-22-06) to construct a new 3,511 square foot single-family two story residence at 909 E Street

Assistant Planner Evans presented a brief update of the Planning Commission's decision and staff's report on the matter, requesting direction on how to apply undergrounding standards for new utilities for infill development. Mayor Green and members of the Council commented that standards need to be applied consistently in the Decoto and Alvarado areas. Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 3235-06** approving Administrative Site Development Review, ASD-22-06, for the Construction of a New Single Family Residence, initiated by Maximiliano Cerda, with the undergrounding requirement.

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

The City Council also directed staff to return with a draft policy to specifically establish a threshold and definition of "new home" for the consistent application of undergrounding requirements.

- 6.c Public Hearing to consider the adoption of a new Ordinance and Resolution pertaining to an update to the development fees charged to developers of property within the Decoto Industrial Park Study Area (DIPSA)

Management Analyst Sprotte presented an update to the DIPSA Development Fees and responded to questions from Council. Mayor Green opened the public hearing. There were no speakers on the matter. Mayor Green closed the public hearing.

It was moved by Councilmember Navarro, seconded by Vice Mayor Valle, to accept the results of the updated technical study and to:

- 1) waive first reading of entire text and introduce **Ordinance No. 675-06** Repealing Ordinance No. 500-97 and Reestablishing a Program for the Financing of the Decoto Industrial Park Study Area (DIPSA) Public Amenities and Infrastructure Improvements; and
- 2) adopt **Resolution No. 3236-06** Revising the DIPSA Development Impact Fee for Infrastructure Improvements within the Decoto Industrial Park Study Area of the City of Union City

Motion carried unanimously.

- 6.d Public Hearing to consider the adoption of a Resolution for a citywide Park Facilities Fee to be charged to developers of residential non-subdivided property (i.e. apartments)

Management Analyst Sprotte presented an update for the adoption of citywide park facilities fees and responded to questions from Council. Mayor Green opened the public hearing. John Haley inquired whether the increased fees would apply citywide or just to the area adjacent to the intermodal transfer station. There were no other speakers on the matter. Mayor Green closed the public hearing.

Staff noted fees would apply citywide to single family residences to the extent they had not been subject to the requirement of the park in lieu fee or park dedication fee.

It was moved by Vice Mayor Valle, seconded by Councilmember Navarro, to adopt **Resolution No. 3237-06** setting the amount of, and setting forth other matters relative to, the Park Facilities fee establishment by Union City Municipal Code Section 18.105.310. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution appointing an Alternate Delegate to the Association of Bay Area Governments General Assembly

Mayor Green noted Councilmember Fernandez serves as the current delegate to the Association of Bay Area Governments General Assembly. Following a brief discussion, it was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3238-06** designating Councilmember Jim Navarro as the City's alternate delegate to the Association of Bay Area Governments General Assembly. Motion carried unanimously.

- 7.b Adopt a Resolution authorizing acceptance of Measure B Funds for City Project No. 01-34, Union City Intermodal Station Phase 1 by entering Project Specific Funding Agreement with ACTIA

Public Works Director Cheng presented the staff report noting a typographical error had occurred in the written report when reference was made to "2006-07 dollars" instead of "2007-08 dollars". Director Cheng reviewed the intermodal station funding plan, including the project cost breakdown and various funding sources. There were no speakers on the matter.

It was moved by Councilmember Dutra-Vernaci, seconded by Mayor Green, to adopt **Resolution No. 3239-06** authorizing acceptance of Alameda County Transportation Improvement Authority (ACTIA) Measure B Funds for City Project No. 01-34 Intermodal Station Phase 1 Project. Motion carried unanimously.

Note: Redevelopment Agency Items 8.a and 8.b were considered at this point on the agenda. Thereafter, and following a 15 minute break, the City Council meeting resumed at 10:10 p.m. with consideration of Item 7.c.

- 7.c Report on Automotive Business Retention Criteria

Economic and Community Development Director Leonard presented the staff report and criteria recommended for automotive repair retention. Director Leonard responded to questions from the Mayor and Councilmembers related to funding for businesses relocating within Union City and those businesses that had already left; the potential for

SBA funding; the need to meet with business owners to discuss their requests; and the allocation of available funding.

Mr. Jimenez, representing Union City Brake and Flush, noted different business owners have different needs for the money and some owners may need additional assistance. John Haley noted the need for a structured framework for determining funding allocations; inquired if funding was available for automotive businesses only; and noted redevelopment funds should not be considered. Hugh McNamara noted SBA loans were a good alternative for the relocated business owners. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Fernandez, that the following criteria be applied to decisions about distributing the retention funds offered in-trust by Avalon Bay to retain as many of the automotive repair businesses in Union City as possible:

- 1) The \$600,000 provided by the developer will be used to help retain automotive repair businesses that will relocate, or have relocated since Avalon Bay took title to the property, in permanent places of business within the City limits as the result of the property purchased for the Avalon Bay development.
- 2) The money will not be distributed to businesses that move out of the City limits.
- 3) Funds will be used to help pay for moving expenses (including local advertising) and leasing costs over and above what is now being paid in Union Square for a limited period of time to help reestablish the customer base.
- 4) Costs for capital (equipment, buildings, tenant improvements, etc.) will be considered only when a gap is proven necessary, such as when not enough funds can be secured from private sources.
- 5) Lump sum distributions will be avoided.

In addition to the above criteria which applies only to the repair businesses, the following services will be available to all displaced businesses:

- 6) City staff, including the Economic Development Coordinator, will immediately meet with each business individually to discuss in detail future plans and determine what it will take to keep the businesses in Union City. Any confidential information obtained will be respected as private.
- 7) City staff will work with the non automotive repair businesses to help find other sources of funding including loans from the Small Business Administration.
- 8) City staff will act as a non-commissioned broker and use its resources to put businesses in touch with owners of existing buildings and sites. In addition, staff will assist businesses with regulatory processes to obtain any required licenses or entitlements.

Motion carried unanimously.

7.d Report on options for proceeding with efforts to fund and construct a new Union City Library

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers.

The Mayor and Councilmembers spoke about the need to pursue a political sponsor for a future bond measure for library funding. It was noted that Union City voters passed Proposition 81 with approximately 56.7% in favor, 43.3% opposed.

Barry Ferrier commented that various grants may be available as potential funding resources for a new library, and also suggested Cesar Chavez middle school as a potential alternative site for a library, if that school were to be closed by the district. John Haley noted that a central location and potential costs for a new library would be important considerations for voters. Ken Ryan suggested the City revisit the concept of a cooperative agreement with the school district for a mixed use facility, and re-open discussions for purchasing the church property. There were no other speakers on the matter.

The Mayor and Councilmembers directed staff to proceed with investigating options for funding and constructing a new library, including the following strategies:

- A. Retain existing RDA funding and confirm allocation of \$5.7 million for the Union City Library Project.
 - B. Pursue opportunities to engage local officials as political sponsors for future bond measure funding for a local library.
 - C. Proceed with reducing the scale of the new library.
 - D. Consider the option of relocating a new library to the Intermodal Station project area. In addition, consider discussions with the school district regarding alternative uses for Cesar Chavez Middle School, if closed.
 - E. Consider any combined use options such as a combination library/art studio facility or library/police headquarters.
 - F. Authorize staff to incorporate a corporate fundraising element into the funding plan for the new library.
 - G. Develop General Obligation Bond models that would provide construction funds for a new library or combination library/art studio facility or library/police headquarters.
- 7.e Introduce an Ordinance for the City of Union City regulating the parking of large vehicles and non-motorized vehicles

Police Captain Greg Stewart presented the staff report and responded to questions from Councilmembers. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Navarro, to waive full reading of the text and introduce **Ordinance No. 676-06** of the City Council of the City of Union City Adding Chapter 10.35, "Large Vehicle and Non Motorized Vehicle Parking," to the Union City Municipal Code, with the following modification to Section 1, 10.35.020(a): "Large Vehicle" means any vehicle exceeding the following two dimensions: six (6) feet in height and ~~for~~ twenty (20) feet in length.

Motion carried unanimously.

- 7.f Adopt a Resolution appointing a Citizen Member to the Oakland International Airport - Community Noise Management Forum

Deputy City Manager Acosta presented the staff report. There were no speakers on the matter. Mayor Green announced that any persons interested in apply for the position

should submit their application to the City Clerk's Office for consideration by the City Council at their next regularly scheduled meeting on September 12, 2006.

VIII. REDEVELOPMENT AGENCY

(Items 8.a and 8.b were considered immediately following Item 7.b above.)

- 8.a Adopt a Resolution awarding a contract for Eleventh Street Enhancement, City Project No. 05-09 and Decoto Road Connector, City Project No. 05-72

Public Works Director Cheng recognized audience members Dick Wenzel from BART and Public Works Acting Principal Engineer Farooq Azim. Director Cheng presented a report encompassing project needs, the RFP process, bid results, a funding gap and funding resources. Mayor Green noted the Union City Intermodal Station was a feature story in an ACTIA publication.

Monte Carlo resident John Haley expressed concern about the consultant's underestimate and the potential for cost overruns. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Navarro, to:

- 1) adopt **Resolution No. 3240-06** awarding the Contract to RGW Construction of Livermore for the 11th Street Enhancement & Decoto Road Connector Project, and Entering a Service Agreement with Mark Thomas and Co., Inc. of San Jose for Providing Construction Management and Related Support Services for said Project, City Project No. 0509 & No. 05-72; and
- 2) establish a construction contingency reserve of \$651,000 and authorize the Public Works Director and City Manager to issue contract change orders within that reserve provided that any change orders in excess of \$75,000 be brought to Council for review at their next available meeting.

Motion carried unanimously.

- 8.b Adopt a Resolution authorizing First Amended Cooperative Agreement among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the implementation of the Union City Intermodal Station District Phase 1 Project

Redevelopment Agency Manager Evanoff presented the staff report regarding the amended cooperative agreement. BART Manager Dick Wenzel noted that the BART Board of Directors recently allocated \$635,000 each year to access projects at stations that have parking fees implemented. It is anticipated paid parking at all BART stations will be implemented within the next two years.

Gertrude Corchero suggested red curbs be painted to deter people looking for an alternative to paid parking at BART lots. Barry Ferrier expressed his appreciation for the efforts of staff and the various agencies in accomplishing this work. Hugh McNamara expressed concern about a potential for permit parking once paid parking is implemented at the BART parking lots. Ken Ryan suggested a parking management committee be considered to manage the issues related to paid parking. There were no other speakers on the matter.

BART Manager Wenzel stated they had not experienced any significant problems as a result of implementing paid parking in those stations where the program is already in place. Mr. Wenzel described how paid parking is collected when customers deposit an extra fee for parking when purchasing their BART tickets.

It was moved by Mayor Green, seconded by Councilmember Fernandez, to:

- 1) adopt City Council **Resolution No. 3241-06** authorizing the First Amended Cooperative Agreement among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase One Project; and
- 2) adopt Redevelopment Agency **Resolution No. 338-06** authorizing the First Amended Cooperative Agreement among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase One Project; and
- 3) authorize the City Manager/Executive Director to execute the Agreement after completion, and increase project construction funds for the 11th street Enhancement & Decoto Road Connector Project by \$2,300,000 and decrease project funds of the Intermodal Station Phase 1 Project by \$2,300,000.

Motion carried unanimously.

IX. AUTHORITIES AND AGENCIES: None

X. CITY COMMISSION/COMMITTEE REPORTS: None

XI. ORAL COMMUNICATIONS

Dennis Kreinbrink requested that plans proceed to coordinate development of the park adjacent to the lot discussed in Item 5.f above. City Manager Cheeves stated staff would look at the amenities associated with the park and noted completion would likely be in conjunction with the completion of the home development in the area.

Berry Ferrier suggested that, in conjunction with finalizing fees and hours for the gymnasium, consideration be given to imposing a nominal fee for late night users. Deputy City Manager Acosta noted it is expensive and difficult to administer an indoor facility that is kept open for late night uses. Custodial work schedules are impacted and, while the concept is good, it can be very difficult to control, including parking lot issues related to safety.

XII. SCHEDULED ORAL COMMUNICATION: None

XIII. ITEMS REFERRED BY COUNCIL

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

Vice Mayor Valle reported that the Library Commission will not meet until September, and the joint committee with the school district has not met.

Councilmember Dutra-Vernaci stated she had mentioned the 211 system to Fremont Councilmember Natarajan at a housing commission meeting, and that Councilmember Natarajan was unfamiliar with the system and would speak with the Fremont City Manager about the matter.

Councilmember Navarro reported having attended the Sky Venture groundbreaking event.

- 13.b Request by Vice Mayor Valle to place an item on a future City Council agenda relating to the establishment of a sub-committee of the City Council for purposes of negotiating with developers on an as-needed basis

Vice Mayor Valle requested support for placing an item on the September 12, 2006 regular City Council meeting agenda relating to the establishment of a sub-committee of the City Council for purposes of negotiating with developers on an as-needed basis. Councilmember Navarro and Councilmember Fernandez supported the request. Vice Mayor Valle requested that staff obtain a copy of an ex parte communications form from the Alameda County Recycling Board for reference during the September 12 discussion.

XIV. GOOD OF THE ORDER

Councilmember Navarro noted a pickup truck had been parked in front of a bake shop at Dyer and Alvarado with advertising signage displayed on the truck.

Councilmember Dutra-Vernaci inquired about naming the park at Williams and Davis. City Manager Cheeves stated staff would add the item to the Park and Recreation Commission agenda.

Councilmember Dutra-Vernaci noted PGE is seeking partners in Union City as potential payment centers, and that Centro might be interested.

Vice Mayor Valle inquired about the status of the horse stables behind Station No. 4, and whether the City might be able to lease the space from the county for recreational uses such as walking and jogging. Staff will check into the status of the property.

XV. CLOSED SESSION: None

- XVI. ADJOURNMENT** – There being no further business, Mayor Green adjourned the meeting at 12:35 a.m.

Respectfully submitted,

Renee Elliott, City Clerk