

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

**TUESDAY, FEBRUARY 13, 2007  
7:00 P.M.**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:33 p.m.

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

Mayor Green announced no reportable action had been taken in the special closed session held at 6:00 p.m. this evening.

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Mayor Green.

Absent: Vice Mayor Navarro.

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Proclamations Recognizing the *2006 Employee of the Year* Recipients:

Maynard Estrellado, General Government

Steve Mendez, Public Safety

Chris Valuckas, Public Works Maintenance/Leisure Services/Transit

Mayor Green read aloud each proclamation as it was presented to each of the *Employee of the Year* recipients. The employees expressed their appreciation and recognized family members for their support.

**IV. ORAL COMMUNICATIONS**

Pam Young, President Elect of the James Logan High Band and Color Guard Boosters, requested Council support for the Boosters' fundraising efforts to raise money for band members to perform at the 2008 Beijing Olympic Events in 2008.

**V. CONSENT CALENDAR**

Item 5.d was removed from the Consent Calendar for separate consideration.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to approve Consent items 5.a through 5.c, and 5.e through 5.i, as recommended by staff.

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

- 5.a Motion to Waive 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 Special and Regular Meetings of January 23, 2007 and for the Special Meeting and Work Session of January 30, 2007
- 5.c Approved the second reading and adopted **Ordinance No. 684-07** Amending Chapters 2.20 (Park and Recreation Commission), 2.21 (Youth Commission), 2.24 (Planning Commission), 2.25 (Human Relations Commission), and 2.26 (Senior Citizens Commission) of the Union City Municipal Code to provide Commissioner Attendance Standards for said Commissions (Introduced January 23, 2007)
- 5.e Adopted **Resolution No. 3312-07** to Accept Grant Funds from Alameda County Health Department for Education and Enforcement of Tobacco Laws
- 5.f Adopted **Resolution No. 3313-07** to Convert Contract Employee to Permanent, Part-time Employee in the Police Department
- 5.g Adopted Community Redevelopment Agency **Resolution No. 351-07** Declaring the Official Intent of the Agency to Reimburse Certain Capital Expenditures from future Bond Issue
- 5.h Accepted the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2006
- 5.i Rejected Claim No. 686, filed by Tyrone Smith, as recommended by the City's Claims Administrator

Consideration of item 5.d removed from the Consent Calendar.

- 5.d Adopt resolution Authorizing a Sole Source Agreement with HFH Consultants, LLC in the amount of \$95,257 to Perform the Required Review of the Rate Adjustment Applications for the Rate Year ending June 30, 2008 from Allied Waste Industries and Tri-CED Economic Development Corporation

Councilmember Valle recused himself and exited the Council Chambers at 7:47 p.m.

City Manager Cheeves responded to questions from Councilmembers. There were no speakers on the matter.

Councilmembers requested more information regarding the proposed number of hours estimated by Consultant to perform its review.

It was moved by Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci, to continue the matter to the next regularly scheduled City Council meeting on February 27, 2007.

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

Councilmember Valle returned to the Council Chambers at 7:57 p.m.

## **VI. PUBLIC HEARINGS**

### **6.a Public Hearing to Approve the Removal of Existing Stop Signs on Royal Ann at the Intersection of Royal Ann Drive and Rainier Court**

City Engineer Jocson presented the staff report and responded to questions from Councilmembers. Police Chief Stewart responded to questions regarding traffic volume and citation history on comparable busy streets such as Almaden and Regents.

The following individuals spoke in opposition to the removal of the existing stop signs on Royal Ann and Rainier Court:

Dolores Loera  
Elaine Wilkes  
Barry Combs  
Noel Novato  
A. Hickey  
Chris Flores

There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Valle, to not authorize the removal of the existing stop signs on Royal Ann at the intersection of Royal Ann Drive and Rainier Court.

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

## **VII. CITY MANAGER REPORTS**

### **7.a Adopt a Resolution Amending the Master Fee Schedule to Incorporate New Fees for the Union City Sports Center**

Leisure Services Manager Jill Stavosky presented the staff report and responded to questions from Councilmembers, noting that the proposed fees are comparable to those assessed by similar facilities in neighboring cities.

Mayor Green and Councilmember Valle expressed concern about charging too much for some of the resident fees. Councilmember Dutra-Vernaci stated she could not support

reducing proposed fees since a shortfall of \$300,000-\$500,000 is anticipated during the first two years of operation. Councilmember Fernandez recommended a fiscal review be made after six months when fee adjustments could be evaluated. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Valle, to adopt **Resolution No. 3314-07** amending the Master Fee Schedule to incorporate the new fees for the Union City Sports Center, as described in Exhibit A to the staff report, with the following modifications, and subject to a review after the first three (3) months of operation:

- 1) Membership Card Fee:  
No membership card fee assessed initially. \$10 fee charged for replacement cards.
- 2) Annual Family Membership:  
Age of qualifying children increased from 21 to 23 years of age.
- 3) Annual Youth Membership:  
Proposed Resident Rate of \$120 decreased to \$100.
- 4) Daily Drop-In Membership:  
Single visit rate for Residents shall be \$7 for adults, \$5 for youth.
- 5) Drop-In Open Gym:  
Resident rated is determined to be \$4.
- 6) Corporate Membership:  
Resident rate of \$200, and Non-Resident rate of \$250, shall be reflected as per person, per year.

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

7.b Fiscal Year 2006-07 Second Quarterly Report Comparing Budget to Actual Results and Disbursement Report for the Same Period

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers. There were no speakers on the matter.

It was moved by Councilmember Valle, seconded by Councilmember Fernandez, to adopt **Resolution No. 3315-07** amending the General Fund Operating Budget for Fiscal Year 2006/07.

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

## VIII. REDEVELOPMENT AGENCY

- 8.a Consider Report on Development of Agency Owned Property in Station District: Adopt Resolution Accepting East Plaza Conceptual Design and Direct Staff to Prepare Design Appropriation and Construction in Budget Process; Consider Public Building Options for the East Plaza (a Library or a Fine Arts Pavilion)

Redevelopment Agency Manager Evanoff provided a brief overview of the staff report and introduced Boris Dramov, President of ROMA Design Group.

Mr. Dramov presented information regarding the proposed development of the former PG&E site including:

- the phasing strategy and project components
- transit oriented development parcelization plan
- land use plan and development parameters
- site development guidelines and phasing for Blocks 2, 3, and 4
- aerial view of the illustrative concept
- massing concept for Blocks 3 and 4
- plaza schematic design concepts including water elements, bronze sculptures, landscaping, fine arts pavilion, and library

William Williams, Steinberg Architects, noted inspiration for the project came from applying the concepts of speed and movement, both normally associated with a transportation hub.

Jessie Thielen, Development Project Manager with Barry Swenson Builder, responded to questions regarding the pros and cons of a fine arts center versus library for the public use facility, noting the builder's preliminary preference for a library use to attract community traffic.

Redevelopment Agency Manager Evanoff resumed presentation of the staff report and summarized the development plans for the various phases and public improvement options.

Mayor Green recessed the meeting at 9:43 p.m. for a short break.

Mayor Green reconvened the meeting at 9:55 p.m.

Frank Borghi suggested a restaurant use be considered for the top of one of the high-rise structures which would provide a fine dining experience with a view, and expressed concern about parking, traffic flow, and water use issues.

Mary Ferrario expressed concern about the impact of increased density and traffic on seniors in the area, and requested the use of speed bumps be considered on 10<sup>th</sup> and 11<sup>th</sup> streets.

John Hailey suggested a split promenade would create an east-west flow; stated his preference for a performing arts center versus a fine arts center; cautioned a library use would bring more children to the area along with safety considerations; and, noted the tallest building should be on the west side so as not to obstruct anyone's view.

Barry Ferrier noted the importance of not obstructing the view of the hills for existing residents.

Ken Ryan noted the importance of creating an interesting community environment within which to walk.

There were no other speakers on the matter.

Economic and Community Development Director Leonard stated a traffic study would be performed to assess future infrastructure needs. Staff will work with the developer to consider mitigation needs throughout the development process.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to:

- 1) incorporate the phasing program into the Exclusive Negotiating Agreement and Disposition and Development Agreement with Barry Swenson Builders, and both documents will be brought back to the Agency Board at a future meeting for adoption;
- 2) adopt **Resolution No. 3316-07** approving the preliminary design of the East Plaza and authorizing staff to place an order for the art work after review by the Public Art Review Board; staff is directed to prepare an appropriation for the final design and construction of the East Plaza in the 2007/2008 to 2008/2009 Budget and Capitol Investment Program; and, the funding source for the design and construction of the East Plaza will be from the land sale proceeds of the Barry Swenson Phase One development; and,
- 3) delay a decision on the type of public building to be constructed in the East Plaza until more information is known about the prospect of a state library bond.

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

#### IX. AUTHORITIES AND AGENCIES - None

#### X. CITY COMMISSION/COMMITTEE REPORTS

- 10.a Review the recommendation of the Planning Commission to modify building elevations with enhanced tower designs for Avalon Bay project per condition of approval by the City Council

Assistant Planner Janice Lum presented the staff report. Meg Spriggs, Development Director with Avalon Bay, acknowledged their approval of the recommended modifications. There were no speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve the following modifications to the tower designs:

- illuminate the clerestory windows
- provide metal mesh panels or other treatment in the clerestory windows to prevent bird nesting
- provide access door and/or ladder at top level for tower maintenance
- install spike strips along tower ledges to prevent birds from nesting
- provide additional articulation along stucco bands such as recessed medallion details or scoring patterns
- all of the above details shall be approved by Economic and Community Development staff prior to permit issuance.

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

**XI. 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

Councilmember Valle requested staff prepare a letter of endorsement, to be signed by the Mayor and Councilmembers, in support of Senate Bill 156 (Library Funding).

Councilmember Valle noted the joint meeting with school district staff had been rescheduled.

Mayor Green reported attending a Waste Management meeting where criteria was established for composting sites, diversion rates, and community acceptance, noting green waste recycling sites can be located outside of Alameda County.

Mayor Green reported attending a Congestion Management Authority committee meeting where \$4.6 million was approved at the committee level for the intermodal station.

Mayor Green reported on a recent trip to Washington DC where he and other agency members spoke to various elected officials regarding transportation issues.

**XIV. GOOD OF THE ORDER**

Councilmember Valle requested an update on the Veteran’s Memorial Park be scheduled for discussion at a future Council meeting.

Councilmember Valle requested a status update with regard to the process established for responding to odor control issues. City Manager Cheeves stated a staff level task force had

been created, and Union City staff member Glen Kirby will coordinate with the other agencies when odor complaints are received. Economic and Community Development Director Leonard stated complaints should be directed to Economic and Community Development staff who will respond directly.

Mayor Green stated that additional monies were allocated by ACTA for the Central County Study.

**XV. CLOSED SESSION - None**

**XVI. ADJOURNMENT**

Mayor Green adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Renee Elliott  
City Clerk