

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

**TUESDAY, DECEMBER 11, 2007
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:04 p.m.

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

I.b Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Navarro,
Mayor Green

Absent: None

Mayor Green announced there was no reportable action from the Closed Session held earlier this evening

II. UNFINISHED BUSINESS – None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Recognizing David Alarcon For Attaining the Eagle Scout Award

Mayor Green read the proclamation aloud and presented it to Eagle Scout David Alarcon. Mr. Alarcon expressed his appreciation to the City Council for the recognition, and to his family for their support.

3.b Introduction of New Hires and Promoted Employees

City Manager Cheeves welcomed the new employees and introduced Police Chief Stewart.

Police Chief Stewart introduced Dispatcher Clerk Nicole Gilliam-Bowden.

Administrative Services Director Digre introduced Finance Specialist II Virginia Barrett.

Public Works Director Cheng introduced Parks and Grounds Maintenance Trainees Julio Duran and Frank Morales.

3.c Appointment of Vice Mayor

Following a brief discussion about whether the rotation for Vice Mayor was due for Councilmember Dutra-Vernaci or Councilmember Fernandez, it was moved by Mayor Green, seconded by Councilmember Fernandez, to appoint Councilmember Dutra-Vernaci as Vice Mayor for 2008. Motion carried unanimously.

IV. ORAL COMMUNICATIONS

Tom Handley introduced himself to the City Council as the newest Union Sanitary District Board Member, and stated he was committed to serving all three cities.

V. CONSENT CALENDAR

Consent items 5.d, 5.f, and 5.g were removed from consideration.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to approve Consent Items 5.a, 5.b, 5.c, 5.e, 5.h and 5.i, as recommended by staff. Motion carried unanimously.

- 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 November 27, 2007
- 5.c Adopted **Resolution No. 3565-07** Authorizing the City Manager to Execute the First Amendment to the BART Plus Inter-Agency Participation Agreement for the Period Ending December 31, 2008, with an Extension Option
- 5.e Adopted **Resolution No. 3566-07** Approving the Amended City's Compensation Plan to Adjust Step A, B, and C Rates for the Leisure Services Recreation Aide I and II Positions
- 5.h Adopted **Resolution No. 3567-07** Authorizing an Agreement with Randall Funding & Development, Inc. for Grant Research and Grant Writing Services for Calendar Year 2008 in an Amount Not to Exceed \$36,000 plus Bonus Awards for Successful Grant Applications
- 5.i Introduced an Ordinance to Renumber Chapter 9.18 of the Union City Municipal Code, Commonly Referred to as the "Social Host Ordinance", to Chapter 9.42 of the Union City Municipal Code

Consideration of items 5.d, 5.f, and 5.g removed from the Consent Calendar.

- 5.d Adopt a Resolution Amending the Greenhaven Apartments Bond Documents

Councilmembers stated there was a critical need to improve safety and security issues at the Greenhaven Apartments, and that addressing those issues now seemed appropriate and timely. Housing Coordinator Smith and Police Chief Stewart provided an update on discussions with bond counsel and Greenhaven representatives regarding improved security measures. City Manager Cheeves stated staff would negotiate and

execute a separate security agreement with the borrower to address the security issues. City Manager Cheeves stated staff would provide a follow-up report in January 2008.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve execution of the amended bond documents and adopt **Resolution No. 3568-07** Authorizing the Execution and Delivery of a First Supplemental Trust Indenture, a First Amendment to Financing Agreement and Other Documents, and Approving Other Related Action in Connection Therewith, including a new Section 4 [read aloud by the City Attorney] as follows:

Section 4. Further Actions Authorized. *Prior to the execution and delivery of the First Supplemental Trust Indenture and the First Amendment to Financing Agreement, the City Manager is hereby authorized and directed to negotiate and execute a separate agreement (the "Security Agreement") with Borrower satisfactory to the City, providing that Borrower shall provide and install within three (3) calendar months of the adoption of this Resolution improved security measures that are mutually agreed upon, to a maximum amount of monies as specified in the Security Agreement at Greenhaven Apartments. The proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute and deliver all such documents (including if appropriate, the "Security Agreement") as may be necessary in connection with the execution and delivery of the First Supplemental Trust Indenture and the First Amendment to Financing Agreement. The Designated Officers with the advice and approval of the City Attorney are further authorized to make such technical changes in the foregoing documents as may be necessary to conform said documents to the true intent of the parties.*

Motion carried unanimously.

- 5.f Annual Report for Fiscal Year 2006-07 Concerning Sources and Uses of Development Fees Pursuant to Government Code Section 66006, et seq.

Administrative Services Director Digre responded to questions from Councilmembers. City Manager Cheeves stated staff would be returning to Council with a mid-year budget adjustment report by the second meeting in January 2008. City Manager Cheeves stated staff would look into a suggestion of charging permit fees for residential care facilities as mitigation for the high volume of service calls required by those types of facilities from Fire safety services. Public Works Director Cheng stated staff would provide a status report in *The Week That Was* for projects in the Capital Facilities Improvement Fund. Councilmembers accepted the Annual Report for Fiscal Year 2006-07 Concerning Sources and Uses of Development Fees Pursuant to Government Code Section 66006, et. seq.

- 5.g Report and Recommendation to Approve the Provision of Civil Marriage Ceremonies at City Hall

Deputy City Manager/Leisure Services Director Acosta presented the staff report and responded to questions from Councilmembers.

It was moved by Vice Mayor Dutra Vernaci, seconded by Councilmember Fernandez, to approve the provision of civil marriage ceremonies at City Hall, managed by the Leisure

Services Department, with all net revenues being deposited in the Serve Our Kids Fund to be used for free recreation and sports programs for low income youth. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Annexation of Territory ("Annexation No. 2") to City of Union City Community Facilities District No. 2006-1. The property proposed to be annexed is located at 4312 Dyer Street, APN 483-0073-002-02, and is proposed to be developed into 16 Residential Units by Pacific Gold, LLC. Adopt the resolutions: (1) Authorizing the annexation of territory to Community Facilities District No. 2006-1 and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors, (2) Calling a special election and submitting to the voters of Annexation No. 2 of City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 2 to finance public services, and the establishment of an appropriations limit, and (3) Making certain findings, certifying the results of an election, and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 2

Economic and Community Development Director Leonard presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. The City Clerk acknowledged that:

- notice of the public hearing had been published on December 4, 2007
- since less than 12 persons were registered to vote within the territory of the proposed District, the vote would be by the landowners of the proposed annexation area
- each landowner had submitted an executed Consent and Waiver, waiving noticing and election requirements in connection with the Mello-Roos Community Facilities Act of 1982
- no written protests were received from the landowners within the District and, therefore a majority protest did not exist.

There were no speakers in opposition to the annexation of territory to Community Facilities District No. 2006-1 or related matters. It was moved by mayor Green, seconded by Councilmember Valle, to close the public hearing. Motion carried unanimously.

The City Clerk acknowledged that 100% of the Consent and Waivers had been received and that the special election could be conducted. Mayor Green stated that, because a majority protest did not exist, it was appropriate for the City Council to consider resolutions regarding the annexation of territory and to call a special election within the annexation area.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve **Resolution No. 3569-07** authorizing the annexation of territory to Community Facilities District No. 2006-1, and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors. Motion carried unanimously.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve **Resolution No. 3570-07** calling a special election and submitting to the voters of

Annexation No. 2 of the City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 2 to finance public services, and the establishment of an appropriations limit. Motion carried unanimously.

Mayor Green asked if there were any further ballots to be submitted to the City Clerk. Hearing none, the City Clerk proceeded to canvass the ballots as follows:

- verified the information on the sealed ballot return envelope
- opened the ballot return envelope and counted the votes
- executed the *Certificate of Election Official and Statement of Votes Cast*
- reported the election results as follows:
 - On Proposition A, 1 vote was cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition A was approved with a 100% vote in favor.
 - On Proposition B, 1 vote was cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition B was approved with a 100% vote in favor.

It was moved by Mayor Green, seconded by Councilmember Valle, to approve **Resolution No. 3571-07** making certain findings, certifying the results of the election, and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 2. Motion carried unanimously.

- 6.b Request a Continuance of the Public Hearing to January 8, 2008 for Consideration of a General Plan Amendment to Replace an Existing Section of the Community Design Element with a New Element on Environmental Sustainability (AG-01-07)

By consensus, the City Council continued the public hearing for consideration of a General Plan Amendment to replace an existing section of the Community Design Element with a new element on Environmental Sustainability (AG-01-07) to the January 8, 2008, regularly scheduled City Council meeting.

VII. CITY MANAGER REPORTS

- 7.a Report and Recommendations for a Public Opinion Poll for 2008 Public Safety Revenue Enhancement and Other Topics

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. Councilmembers reviewed the proposed parameters for a Public Opinion Poll regarding the proposed 2008 Public Safety Revenue Enhancement (and other topics), and provided feedback to staff for incorporation into the poll survey instrument. Staff will return with a condensed list of key issues to survey, incorporating youth program elements which may increase support for the parcel tax.

RECONSIDERATION OF ITEM 3.C – APPOINTMENT OF VICE MAYOR

Based on new information available, it was moved by Mayor Green, seconded by Vice Mayor Dutra-Vernaci, to reconsider **Item 3.c Selection of Vice Mayor**. Motion carried unanimously.

New information was presented which reflected the following most recent chronology of Vice Mayors:

- 2004 Manny Fernandez
- 2005 Carol Dutra-Vernaci
- 2006 Richard Valle
- 2007 Jim Navarro

Based upon this new information, it was moved by Vice Mayor Dutra-Vernaci, seconded by Councilmember Valle, to appoint Councilmember Fernandez as Vice Mayor for 2008. Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY – None

IX. AUTHORITIES AND AGENCIES – None

X. CITY COMMISSION/COMMITTEE REPORTS – None

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 stated the joint meeting with the school board would be rescheduled for late January 2008.

Councilmember Valle stated he would be attending an ACAP meeting December 12, 2007.

Mayor Green stated he had served as a moderator at the Bay Area Vision event at ABAG, and the Home Builders Association had announced they were approving mandatory green building practices. Mayor Green stated it was time cities adopted ordinances mandating green building standards.

Mayor Green stated the CMA Board had committed to \$1.9M for the intermodal project, and \$.7M STIP funding.

XIV. GOOD OF THE ORDER

Mayor Green stated the Flight 93 Memorial dedication had gone well, and that the City had received many compliments on the program and design.

Councilmember Valle wished everyone a Merry Christmas and Happy New Year.

Councilmember Dutra-Vernaci commented she had seen a memorable tile around the flagpole at the Flight 93 Memorial which read, "Hold hands, not guns".

Councilmember Dutra-Vernaci stated more green products that meet Title 24 requirements are needed in the market to insure people are able to comply with mandatory green building standards. City Attorney Riback said he would be researching the issue further, and would return with a draft green building ordinance by February 2008, if feasible.

Councilmember Navarro stated the Knights of Columbus had administered 231 flu vaccinations free-of-charge at St. Anne's church.

Vice Mayor Fernandez complimented staff on the median tree pruning done on Alvarado Niles Road west of the freeway, and stated pruning was also needed on the east side of 880.

Mayor Green stated the Chamber of Commerce would be holding an event at 4:00 p.m. on Thursday.

Mayor Green stated the Historical Museum would be having a Christmas Party on Friday, December 15, at 6:00 p.m.

XV. CLOSED SESSION – None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Renee Elliott
City Clerk