

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY MEETING**

**TUESDAY, JANUARY 12, 2010
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:00 P.M.

I. CALL TO ORDER

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

I.a Pledge of Allegiance

Mayor Green led the salute to the flag.

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

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Resolution of the City Council of the City of Union City Honoring Police Canine "Axl" Upon His Retirement From Active Service

Mayor Green read the resolution aloud and presented it to Police Chief Stewart.

3.b Introduction of New and Promoted Employees

City Manager Cheeves welcomed new employees, and congratulated staff members on their promotions.

Police Chief Stewart introduced new hires Police Officer Adalberto Alberto, Police Officer Christopher Lanier, Police Officer Jean Luevano-Ryken, and Police Officer Daniel Padilla.

Police Chief Stewart announced the promotions of Police Sergeant Brandon Hayward, Police Sergeant Michael Mahaney, Police Sergeant Travis Souza, Police Corporal

Victor Derting (unable to attend), Police Corporal Jeffrey Stewart, and Police Corporal Janice Turbyfill.

IV. ORAL COMMUNICATIONS

Sets Amann, representing the League of Women Voters, invited everyone to attend a meeting to discuss issues related to California constitutional revisions scheduled for Monday, January 25, 2010, from 7-9 pm, at the Newark Campus of Ohlone College.

V. CONSENT CALENDAR

Consent Items 5.i, 5.j, and 5.n were removed from the Consent Calendar.

It was moved by Mayor Green, seconded by Councilmember Navarro, to approve Consent Items 5.a through 5.h, and 5.k through 5.m as recommended by staff. Motion carried unanimously.

- 5.a Waived 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 Meetings of December 1 & 2, 2009, and for the Regular Meeting of December 8, 2009
- 5.c Approved Minutes for the Special Work Session of December 21, 2009
- 5.d Approved the Second Reading and Adoption of **Ordinance No. 726-10** Approving Municipal Code Amendment, AT-06-09, (1) Repealing the Existing Water Efficient Landscape Standards Ordinance (Ordinance No. 405-93) and (2) Amending Title 18 to add a new Water Efficient Landscape Chapter, Chapter 18.112, and a new Provision to Chapter 18.28, Off-Street Parking and Loading, to Allow for up to a Twenty-Five Percent (25%) Reduction in Parking Demand for Projects that Incorporate Transportation Demand Management Measures (Introduced December 8, 2009)
- 5.e Adopted **Resolution No. 3911-10** Appointing the following Individuals to the Union City Youth Commission for the 2009-2010 School Year:

| | |
|-------------------------------------|-------------------------------------|
| Emily Au (re-appointment) | Bhargav Brahmbhatt (re-appointment) |
| Bharavi Brahmbhatt (re-appointment) | Justin Chan (re-appointment) |
| Christine Cervantes | Henry Chen (re-appointment) |
| Eileen Chao | Howard Guan |
| Paulina Ramos | Somya Sharma |
| Jeremy Sharma (re-appointment) | Christine Tsai (re-appointment) |
| Fiona Yuan (re-appointment) | Kevin Yuan (re-appointment) |
| Richard Yuan (re-appointment) | |

Alternates: Gregory Jiang (re-appointment) Andrew Luo

- 5.f Adopted **Resolution No. 3912-10** Appointing Cassandra Davis to the Human Relations Commission
- 5.g Adopted **Resolution No. 3913-10** Re-Appointing William Boylan to the Parks & Recreation Commission

- 5.h Adopted **Resolution No. 3914-10** Authorizing the Sale of Retired Police Canine "Axl" to His Handler Corporal Robert Kensic
- 5.k Adopted **Resolution No. 3915-10** Accepting and Appropriating a Grant Award in the Amount of Seventy-Two Thousand Two Hundred Fifty Dollars (\$72,250) from the First 5 Alameda County Grants Initiative for Multi-Lingual/Multi-Cultural Neighborhood Play Groups, Parent Education and Family Literacy Programs for the Period January 1, 2010 through June 30, 2011
- 5.l Adopted **RDA Resolution No. 414-10** by the Community Redevelopment Agency to Approve the Memorandum of Understanding (MOU) with the County of Alameda and the County of Alameda Library District and to Authorize the Executive Director to Execute the MOU and to Take Any Related Actions Required to Implement the Intent of This Resolution
- 5.m Adopted **Resolution No. 3916-10** Authorizing the City Manager to Enter Into a Funding Agreement with the County of Alameda for the Purpose of Implementing the HUD Neighborhood Stabilization Program Phase 2 (NSP-2) Funds to Participate in a Consortium with Other Cities in the County in an \$11,000,000 Program to Acquire Foreclosed Properties for Use as Affordable Housing Units, At No Cost to the City Through the American Recovery and Reinvestment Act of 2009 in the Alameda County Consortium Jurisdiction

Consideration of Items 5.i, 5.j and 5.n removed from the Consent Calendar.

- 5.i Annual Report for Fiscal Year 2008-09 Concerning Sources and Uses of Development Fees Pursuant to Government Code Section 66006, et. seq.

Administrative Services Director Digre responded to questions from Councilmembers. It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to accept the annual report for Fiscal Year 2008-09 concerning sources and uses of Development Fees pursuant to Government Code Section 66006, et seq. Motion carried unanimously.

- 5.j Adopt a Resolution Accepting and Appropriating Homelessness Prevention and Rapid Re-Housing (HPRP) Program Funds from the State of California Housing and community Development Department

Economic and Community Development Director Malloy responded to questions from Councilmembers. It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Navarro, to adopt **Resolution No. 3917-10** Accepting and Appropriating Homelessness Prevention and Rapid Re-Housing (HPRP) Program Funds and to Receive Funds Through a Grant from the State of California Housing and Community Development Department. Motion carried unanimously.

Vice Mayor Valle recused himself from consideration of Item 5.m, and exited the Council Chambers at 7:26 p.m.

- 5.m Adopt a Resolution Authorizing a Sole Source Agreement with Hilton Farnkopf & Hobson LLC in an amount not to exceed \$86,453 for Professional Services Related to Conducting, Evaluating and Preparing Recommendations for the Required Annual Rate Reviews for Allied Waste Services (Municipal Solid Waste Collection and Organic Waste Collection & Processing) and Tri-CED Economic Development Corporation

(Recyclable Materials Collection & Processing) for Rate Year 6 (July 1, 2010 through June 30, 2011)

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to adopt **Resolution No. 3918-10** Authorizing a Sole Source Agreement with Hilton Farnkopf & Hobson LLC in an amount not to exceed \$86,453 for Professional Services Related to Conducting, Evaluating and Preparing Recommendations for the Required Annual Rate Reviews for Allied Waste Services (Municipal Solid Waste Collection and Organic Waste Collection & Processing) and Tri-CED Economic Development Corporation (Recyclable Materials Collection & Processing) for Rate Year 6 (July 1, 2010 through June 30, 2011).

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

Vice Mayor Valle returned to the Council Chambers at 7:30 p.m.

Agenda Item 7.d was taken out of order and considered at this time. (For minutes of action taken, see 7.d on page 7 of these minutes.)

VI. PUBLIC HEARINGS

- 6.a Second Reading and Adoption of Parking Ordinance of the City of Union City Amending and Adding Sections of Title 10 of the Union City Municipal Code Relating to Vehicles and Traffic, (Introduced December 8, 2009), and Adoption of Resolution Setting Parking Fees, Establishing Parking Permits, and Setting Paid Parking Hours on Specified Streets in and Around the Station District

Redevelopment Agency Manager Evanoff presented the staff report and responded to questions from Councilmembers.

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

It was moved by Councilmember Fernandez, seconded by Vice Mayor Valle, to:

- approve the second reading and adoption of **Ordinance No. 727-10** Amending and Adding Sections of Title 10 of the Union City Municipal Code relating to Vehicles and Traffic; and
- adopt **Resolution No. 3919-10** Implementing the City Parking Ordinance Amendments, Including Parking Permit Requirements, Parking Fees and Parking Fines.

Motion carried unanimously.

- 6.b Introduce an Ordinance for Zoning Text Amendment (AT-07-09) to Regulate the Distribution of Tobacco Products and the Establishment of Cigarette Stores/Tobacco Retail Stores and Drug Paraphernalia Establishments/Head Shops

Associate Planner Schultz presented the staff report and responded to questions from Councilmembers.

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, amended by Councilmember Dutra-Vernaci, to:

- introduce an Ordinance Approving Zoning Text Amendment, AT-07-09, Amending Title 18, Zoning, of the Municipal Code to Regulate the Distribution of Tobacco Products and the Establishment of Cigarette Stores/Tobacco Retail Stores and Drug Paraphernalia Establishments/Head Shops, and
- direct staff to return with a report on a tobacco license, including restrictive hours, which could be revoked if a retailer sells to minors.

Motion carried unanimously.

- 6.c Adopt a Resolution Approving Modified Site Development Review (MOD-SD-09-06b) to Modify the Approved Exterior Materials and Remove the Temporary Carports from the Site Plan for the Acacia Creek Project on the Masonic Homes Campus

Associate Planner Schultz presented the staff report and responded to questions from Councilmembers.

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

It was moved by Councilmember Fernandez, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3920-10** Approving Modified Site Development Review (MOD-SD-09-06B) to Modify the Approved Exterior Materials and Remove the Temporary Carports from the Site Plan for the Acacia Creek Project on the Masonic Homes Campus. Motion carried unanimously.

- 6.d Adopt a Resolution Approving Site Development Review (SD-02-09) to Allow the Construction of a 17,400 Square Foot Building on a Vacant Pad Located at 31300 Courthouse Drive in the Union Landing Shopping Center

Associate Planner Schultz presented the staff report, noting conditions of approval should end after condition #108. Staff responded to questions from Councilmembers.

Mayor Green opened the public hearing. The applicant/owner, John Pappas, requested relief from condition of approval #5, which required a decorative solid wall be constructed within sixty days of project approval. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3921-10** Approving Site Development Review SD-02-09 to Allow the Construction of a 17,400 Square Foot Building on a Vacant Pad Located at 31300 Courthouse Drive in the Union Landing Shopping Center, and modifying the language in

condition #5 to allow landscape screening in lieu of a solid wall, and to extend the date of compliance with the condition to June 1, 2010. Motion carried unanimously.

- 6.e Adopt a Resolution Approving Tentative Tract Map 8029 and Related Condominium Plan (File No. TTM-01-09) for Creation of Eight Condominiums Associated with a Previously Approved Affordable Housing Development (City Council Resolution No. 3749-09) Located along 11th Street on Block 4 of the Intermodal Station District (APN 087-0019-004-02)

Planning Manager Campbell presented the staff report and, together with Economic and Community Development Director Malloy, responded to questions from Councilmembers.

Applicant's representative, Juan De Leon, explained the condominium map was needed for financing purposes.

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

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to adopt **Resolution No. 3922-10** Approving Tract Map 8029 and Related Condominium Map (File No. TTM-01-09) to Create Eight Condominiums Associated with the Previously Approved Affordable Housing Development (Resolution No. 3749-09) Located on Block 4 of the Intermodal Station District (APN 087-0019-004-02). Motion carried unanimously.

- 6.f Adopt Resolutions of the City Council of the City of Union City: (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. 3 (Acacia Creek) of City of Union City Community Facilities District No. 2006-1 (Public Services) Propositions Regarding the Annual Levy of Special Taxes Within Annexation No. 3 (Acacia Creek) 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. 3 (Acacia Creek)

Economic and Community Development Director Malloy presented the staff report.

Mayor Green opened the public hearing. It was moved by Councilmember Dutra-Vernaci, seconded by Vice Mayor Valle, to continue the public hearing to the next regularly scheduled City Council meeting on Tuesday, January 26, 2010. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a City Council Discussion and Appointment of a Council Chamber of Commerce Subcommittee

By consensus, the City Council appointed Vice Mayor Valle and Councilmember Dutra-Vernaci to a Subcommittee of the Council and Chamber of Commerce, and appointed Councilmember Navarro to serve as an alternate on said subcommittee.

- 7.b Adopt a Resolution Authorizing the City Manager to Terminate Southern Alameda County Geographical Information Systems Authority (SACGIS) Agreement (Rescheduled from December 8, 2009)

Administrative Services Director Digre presented the staff report and responded to questions from Councilmembers.

Barry Ferrier expressed support for staff's recommendation to terminate SACGIS and pursue broader GIS options.

It was moved by Mayor Green, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3923-10** Authorizing Providing Notice of Withdrawal to the Southern Alameda County Geographic Information System Authority as Described in Article VI Section 6.2 of the Joint Powers Agreement. Motion carried unanimously.

- 7.c Report on Public Opinion Polling Conducted in November 2009 Regarding a Potential 2010 Revenue Enhancement Measure; Discussion Regarding a Potential 2010 Revenue Enhancement

Mayor Green recessed the meeting at 9:17 p.m.

Mayor Green reconvened the meeting at 9:37 p.m.

Bryan Godbe, President of Godbe Research, presented a summary of the December 2009 detailed utility users tax feasibility survey report, and responded to questions from Councilmembers.

Deputy City Manager Acosta summarized key issues, fiscal impacts, and outlined possible next steps.

Administrative Services Director Digre responded to questions from Councilmembers.

City Attorney Riback provided information regarding the legal definition of a fiscal state of emergency for cities.

Hugh McNamara stated Measure K failed in June but Measure UU succeeded in November of 2008, perhaps indicating November 2010 might be the preferred election time.

Councilmembers provided feedback to staff regarding the structure for a potential utility users tax, and stated a preference for the November 2010 versus June 2010 ballot. Staff will return with a follow-up report at the January 26, 2010 regular Council meeting.

Item 7.d was considered earlier in the evening prior to VI. Public Hearings

- 7.d Informational Report on Locating a New Youth Center in the Decoto Neighborhood at the Mission Boulevard and D Street Property

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

The following individuals spoke in favor of a youth center being built in the Decoto area:

Mike Bonin

Jerico Abanico

Mary Schlarb

Councilmembers provided feedback to staff noting the need to define the size, use and layout needed for a youth center. Staff was directed to bring back a report on the formation of a study committee to visit sites of youth-oriented programs in the Bay Area. The composition of the study committee should include Youth Commission, Human Relations Commission, NHUSD board, and CORE representatives (as clarified later by Councilmember Dutra-Vernaci under Good of the Order). Vice Mayor Valle and Councilmember Dutra-Vernaci volunteered to serve on the study committee. Councilmember Navarro expressed a desire to participate in site visits to other programs. No action was taken.

VIII. REDEVELOPMENT AGENCY

- 8.a Adopt Resolutions by the Community Redevelopment Agency, the City of Union City, and the Public Financing Authority to Approve the Issuance of (not to exceed) Thirty Million Dollars (\$30,000,000) of Tax Allocation Bonds (This is a joint meeting for all three governing bodies)

Councilmember Fernandez exited the Council Chambers at 10:29 p.m.

Councilmember Fernandez returned to the Council Chambers at 10:31 p.m.

Director of Administrative Services/Treasurer Digre announced the City had received an upgraded bond rating from A- to A, which will result in an interest rate savings over the life of the bonds of approximately \$1.5 million. Administrative Services Director/Treasurer Digre presented the staff report and responded to questions from Council/Agency/Authority Members.

It was moved by Mayor/Chair Green, seconded by Council/Agency Member Navarro, to adopt:

- **RDA Resolution No. 415-10** Authorizing the Issuance and Sale of Tax Allocation Bonds in the Aggregate Principal Amount of Not To Exceed \$30,000,000 in Connection With the Redevelopment Project, and Approving Related Documents and Actions; and
- **Resolution No. 3924-10** Approving the Issuance by the Community Redevelopment Agency of the City of Union City of Tax Allocation Bonds in the Aggregate Principal Amount of Not To Exceed \$30,000,000; and
- **Public Financing Authority Resolution No. 17-10** Authorizing the Purchase and Sale of Community Redevelopment Agency of the City of Union City Tax Allocation Bonds for the City of Union City Community Redevelopment Project and Approving Certain Related Documents and Authorizing Certain Other Actions.

Motion carried unanimously.

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND 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 Dutra-Vernaci stated she would be attending a Housing Commission meeting and League of California Cities meeting.

Councilmember Navarro announced he would be attending an Oakland Noise Forum meeting with Alternate Emily Duncan.

Councilmember Fernandez reported having attended a joint City/School Board meeting where discussions included a school site fencing update, use of Barnard White middle school, and traffic concerns around school properties.

Mayor Green stated he would attend a Mayor's Conference meeting in Livermore the following evening.

Mayor Green stated he was scheduled to travel to Washington DC the first week of March for a CMA/ACTIA trip to lobby for transportation dollars.

Mayor Green stated there was a master environmental assessment in progress by the Alameda County Waste Management Authority concerning a ban on the use of plastic bags.

Mayor Green stated he would be in American Canyon Thursday evening in his role as President of ABAG.

Mayor Green reported having attended a legislative reception at Cal State East Bay where East Bay Economic Alliance awards were presented.

XIV. GOOD OF THE ORDER

Councilmember Navarro inquired about the status of the bakery project on Alvarado and Dyer. Economic and Community Development Director Malloy stated there were outstanding issues regarding Public Work's fees.

Councilmember Navarro expressed concern about a large vehicle parked in his neighborhood covered with graffiti. City Manager Cheeves stated the police department would look into the matter.

Councilmember Navarro inquired about the status of a project to relocate the police station. City Manager Cheeves stated there was no funding source for the project since the take-aways by the State. Staff will return with information once a funding source can be identified.

Councilmember Dutra-Vernaci stated an HRC member and Youth Commission member should be included in the formation of the study committee regarding the teen center issue.

Vice Mayor Valle stated the opening of the Performing Arts Center at Logan High was scheduled for May 22, 2010.

Mayor Green stated the New Year's Eve gala sponsored by the 50th anniversary committee went well, and commended committee members on their dedication and hard work.

Mayor Green inquired about when to expect the MTC pavement management index. City Manager Cheeves stated staff would advise the Council when the final report was ready.

Mayor Green stated he had attended a Martin Luther King commemorative service in Newark over the weekend.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 10:41 p.m.

Respectfully submitted,

Renee Elliott
City Clerk