

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

**TUESDAY, JUNE 29, 2010
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

A SPECIAL MEETING CLOSED SESSION PRECEDED THE REGULAR MEETING AT 6:30 P.M.

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:05 p.m.

I.a Pledge of Allegiance

A Cub Scout color guard formation presented the colors and led the salute to the flag.

Mayor Green announced there was nothing to report from the Closed Session held earlier this evening.

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS

Barbara Uhlig, on behalf of her mother Heidi Kitayama, expressed support for ongoing funding for the Ruggieri Senior Center.

Barry Ferrier, on behalf of the Citizens Advisory Committee to ACTIA, announced a transportation forum was scheduled for July 15, 2010, at the Ruggieri Senior Center.

V. CONSENT CALENDAR

Item 5.d was removed from the Consent Calendar.

It was moved by Councilmember Navarro, seconded by Councilmember Fernandez, to approve Consent Calendar Items 5.a through 5.c, and 5.e through 5.h, 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 of the June 15, 2010 City Council/Redevelopment Agency Meeting
- 5.c Adopted **Resolution No. 4010-10** Appropriating \$130,000 in Funds and Awarding a Contract to McGuire and Hester Company of Oakland for the Pavement Repairs at Railroad Crossing, City Project No. 10-16
- 5.e Adopted **Resolution No. 4012-10** Awarding a Contact to Turf & Industrial Equipment of Santa Clara, California, for the Purchase of One John Deere Turbo 1600 Series II Commercial Wide-Area Mower, City Project No. 10-15
- 5.f Adopted **Resolution No. 4013-10** Declaring Certain Vehicles and Equipment as Surplus
- 5.g Adopted **Resolution No. 4014-10** Declaring Certain Vehicles (Transit Busses) as Surplus
- 5.h Adopted **Resolution No. 4015-10** Setting the Paramedic Special Tax Rate for Fiscal Year 2010/2011

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

- 5.d Adopt a Resolution Authorizing the Application for the Used Oil Payment Program (OPP) Cycle I Fund from Department of Resources, Recycling and Recovery (CalRecycle) and Participation in a Cooperative Project

Public Works Director Cheng responded to questions regarding educational programs funded by the Used Oil Payment Program.

It was moved by Councilmember Dutra-Vernaci, seconded by Councilmember Fernandez, to adopt **Resolution No. 4011-10** Authorizing the Application for the Used Oil Payment Program (OPP) Cycle I Fund from Department of Resources, Recycling and Recovery (CalRecycle) and Participation in a Cooperative Project. Motion carried unanimously.

By consensus, Council moved forward agenda item 7.b to be considered at this time. (See page 4 for minutes of action taken.)

VI. PUBLIC HEARINGS

- 6.a Continued Public Hearing - Adopt a Resolution by the Community Redevelopment Agency of the City of Union City to Approve the Terms of an Agreement that Provides for an Agency Loan to Abaxis Corporation for Acquisition of Capital Equipment and the Rehabilitation of Property that will be used for Industrial or Manufacturing Purposes, Adopt Findings in Accordance with Health & Safety Code Section 33444.6, Authorize Agency Counsel to Prepare an Agreement Consistent with these Terms, Authorize the Executive Director to Execute the Final Agreement, and Authorize a Transfer on June 30, 2010 of Six Hundred Thousand dollars (\$600,000) from the Horner/Veasy project (71103) and Four Hundred Thousand dollars (\$400,000) from the Union Square Office project (71121) to Provide Funding for the Loan

Assistant Executive Director Malloy presented the staff report and responded to questions from Agency Members. Economic Development Coordinator Friday responded to questions from Agency Members.

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

It was moved by Agency Member Dutra-Vernaci, seconded by Agency Member Navarro, to adopt **RDA Resolution No. 425-10** Approving the Terms of an Agreement that Provides for an Agency Loan to Abaxis Corporation for Acquisition of Capital Equipment and the Rehabilitation of Property that will be Used for Industrial or Manufacturing Purposes; Adopt Findings in Accordance with Health & Safety Code Section 33444.6; Authorize Agency Counsel to Prepare an Agreement Consistent with these Terms; Authorize the Executive Director to Execute the Final Agreement; and Authorize a Transfer at June 30, 2010, of Six Hundred Thousand Dollars (\$600,000) from the Horner/Veasby Project (71103) and Four Hundred Thousand Dollars (\$400,000) from the Union Square Office Project (71121) to Provide Funding for the Loan. Motion carried unanimously.

VII. CITY MANAGER REPORTS

- 7.a Adopt Amendment to Ordinance Adjusting Business License Tax for Branch Establishments and Adopt Resolution Suspending Annual Rate Adjustment for Residential Rental Properties

Assistant City Attorney Reyes presented the report and responded to questions from Councilmembers.

Mira Malkani requested reduction of the business license fee and clarification of what City services were received in return for payment of business license fees. Ms. Malkani presented a letter addressed to the Mayor and Council from Manibhtai Patel.

Maria Adas expressed appreciation for Council's reconsideration of the terms and amount of the business license tax.

Kam Cho requested reconsideration of the terms and amount of the business license tax.

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

- 1) Introduce an Ordinance Amending Chapter 5.16, Business Licenses and Regulations, Licenses-Procedures for Issuance, Section 5.16.010, Branch Establishment, to Exclude Residential Properties; and
- 2) Adopt **Resolution No. 4016-10** Suspending Annual Adjustment License Rate Based on Consumer Price Index for Fiscal year 2010 to 2011.

Motion carried unanimously.

- 7.b Acceptance of Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the Biennium Budget Beginning July 1, 2009 (*This item was heard earlier on the agenda.*)

City Manager Cheeves provided background information regarding GFOA, and extended personal recognition to Management Analyst Fuentes for his contributions and expertise on the City's budget. Mayor Green presented the Distinguished Budget Award to Management Analyst Fuentes, who expressed his gratitude on behalf of the Administrative Services Department. Councilmembers provided comment.

7.c Adopt a Resolution to Amend General Fund Appropriation and Revenue Estimates for Fiscal Year (FY) 2010-11

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

Millie Cleveland, SEIU representative, read aloud from a letter written on behalf of SEIU members.

Barry Ferrier expressed concern about laying off the City Engineer when substantial projects are pending, and for preserving \$50,000 for youth programs.

Elizabeth Ames expressed concern about continued employee cuts, and requested Council reconsider its approval of the fire merger with Alameda County.

Councilmembers provided comment.

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

- retain the PTO position through the use of \$30,000 in funds from City reserves;
- include a rescission clause in the layoff notices in the event sufficient funds are identified through labor negotiations; and
- adopt **Resolution No. 4017-10** Amending the Operating Budget for Fiscal Year 2010/2011, and Authorizing the Sending out of Layoff Notices to Incumbents in Certain Positions.

Motion carried unanimously.

7.d Adopt a Resolution Appointing Representatives to Serve on the Alameda County Transportation Commission (ACTC)

It was moved by Mayor Green, seconded by Councilmember Navarro, to adopt **Resolution No. 4018-10** Appointing Mayor Mark Green as the Representative, and Councilmember Carol Dutra-Vernaci as the Alternative Representative, to Serve on the Alameda County Transportation Commission (ACTC). Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

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

Vice Mayor Valle stated the ACAP meeting had been canceled.

Vice Mayor Valle stated the next joint meeting with the school board was scheduled for September.

Councilmember Dutra-Vernaci reported the Housing Authority Executive Director was still working on compiling a list of Union City landlords with properties subject to business license tax.

Councilmember Dutra-Vernaci reported attending an LOCC meeting where the topic of discussion was pension reform. The next LOCC meeting is scheduled for July 15, 2010, in Hercules, and representatives were requested to bring Chamber of Commerce Executive Director's to participate in a discussion regarding the Prop 22 initiative to protect city money from further raids by the state.

Councilmember Navarro stated he would be attending the Change of Command ceremony on Thursday.

Councilmember Navarro inquired if a plan was in place for 4th of July activities. City Manager Cheeves confirmed a plan had been developed and would be administered by Union City Police as well as ALCO Fire.

Mayor Green stated he had lunched with Marian Lee, Project Manager for Dumbarton Rail, and stressed the importance of continued funding for the Dumbarton Rail project.

Mayor Green announced the Alameda County Transportation Commission was official; its first meeting would be scheduled for July 2010; and, interviews for its Executive Director would be held on July 30, 2010.

Mayor Green announced ABAG would be conducting interviews for its Executive Director on July 26, 2010.

Mayor Green stated Karen Engle is replacing Bruce Kern as the Executive Director of EDAB.

XIV. GOOD OF THE ORDER

Councilmember Fernandez stated a poor tree-trimming job had been done to the street trees on Dowe Avenue.

Councilmember Navarro stated he had received two telephone calls regarding trees ready to fall, and numerous weeds, on the median strip going toward Eastin School.

Councilmember Navarro stated he had received a call regarding a citation issued by Alameda County Health to a property owner for a proliferation of cats on his property. Councilmember Dutra-Vernaci offered to provide information on contacting the City's animal control officer.

Councilmember Dutra-Vernaci reported attending the Union City American League All Stars game against San Lorenzo, noting Union City had won. On July 6, Union City American will be playing Union City National All Stars.

Councilmember Dutra-Vernaci expressed her appreciation to staff for handling a report of living room furniture dumped at the bus stop on Smith Street.

Vice Mayor Valle requested a referral be placed on the next agenda regarding the placement of speed bumps in residential neighborhoods.

Mayor Green stated he attended the Acacia Creek tour at the Masonic Homes, and spoke with a board member who was requesting a meeting to discuss improving the perceived image of Union City.

Mayor Green adjourned the regular meeting to closed session at 8:50 p.m.

XV. CLOSED SESSION

15.a CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

Property: APN 483-0113-037-02, 483-0113-050 & 051, also known as Liberty Park
City negotiator: Tony Acosta (Potential buyer)
Property negotiator: Liberty Park Home Owners Association (Potential seller)
Under negotiation: Price and terms

15.b CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section 54956.8 of the Government Code)

Property: PSSC, WCA, 11th Street, APN 087-0335-006
Seller: Nina and Claude Gruen, Solely in their Capacity as Special Master, Pacific States Steel Corporation
Buyer: Joan Malloy and Mark Evanoff, Community RDA
Under negotiation: Price and Terms

15.c CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

(Pursuant to Section 54956.9 of the Government Code)
(One case)

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:30 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk