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

**TUESDAY, MAY 24, 2011  
7:00 PM**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

I.a Pledge of Allegiance

I.b Roll Call

*Mayor Mark Green*

*Vice Mayor Jim Navarro*

*Councilmember Emily Duncan*

*Councilmember Lorrin Ellis*

*Councilmember Pat Gacoscos*

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Proclamation Recognizing May 24, 2011 as Arbor Day in Union City

3.b Presentation on Safe Routes To School by Alameda County Transportation Commission and Transform, a Non-profit Organization

**IV. ORAL COMMUNICATIONS**

*Comments from the audience on non-agenda items will be accepted for a period of 30 minutes. Speakers are limited to three minutes each. Persons wishing to speak must complete a speaker card available at the rear of the Council Chamber or from the City Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XI of the agenda.*

**V. CONSENT CALENDAR**

*All matters listed on the Consent Calendar are considered routine in nature and will be enacted by one motion. If discussion is required on a specific item, it will be removed from the Consent Calendar and considered separately.*

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 Approve Minutes of the Regular Meeting of May 10, 2011

5.c Reject Claim No. 817, Submitted by Roland Vison, as Recommended by the City's Claims Administrator

- 5.d Adopt a Resolution Authorizing the Execution of Caltrans' Certifications and Assurances for the usage of the Public Transportation Modernization, Improvement, and Service Efficiency Account Bond Program
- 5.e Adopt a Resolution of the City Council of the City of Union City Declaring its Intention to Renew the Union Landing Property and Business Improvement District and to Levy and Collect Assessments Within Such District Pursuant to the Property and Business Improvement District Law of 1994, Part 7 of Division 18 of the California Streets and Highways Code, Calling an Assessment Ballot Proceeding and Establishing a Time and Place for a Public Hearing
- 5.f Adopt a Resolution for the Authorization to Purchase one Motorcycle for the Police Department
- 5.g Adopt a Resolution Declaring Certain Vehicles as Surplus
- 5.h Adopt a Resolution Appropriating Used Oil Payment Program Grant Funds for Fiscal Year 2010-11
- 5.i Disclosure of Applicable Fees and Compensation Paid to Agent, Broker, or Individual Relative to Any Public Agency Contract with Delta Dental
- 5.j Audit Committee Report from Meeting held on May 6, 2011

**VI. PUBLIC HEARINGS - None**

**VII. CITY MANAGER REPORTS**

- 7.a Review Union City Project Applications in Response to Call for Projects to the Plan Bay Area (Regional Transportation Plan/Sustainable Communities Strategy)
- 7.b Adopt a Resolution Accepting Status Report on the Station District Parking Program, Designate No Parking Areas, Authorize the Purchase of Four Parking Meters, and Setting Parking Fees for the Public Parking Garage
- 7.c Economic Development - Presentation of the Northern Silicon Valley Partnership (NSVP) Program

**VIII. REDEVELOPMENT AGENCY - None**

**IX. AUTHORITIES AND AGENCIES - None**

**X. CITY COMMISSION/COMMITTEE REPORTS**

- 10.a A Report from the Parks & Recreation Commission with Recommendations for Park Renovation and Improvement Projects to be Funded with Measure WW Park Bond Funds

**XI. SECOND ORAL COMMUNICATIONS**

**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

### **XIV. GOOD OF THE ORDER**

### **XV. CLOSED SESSION**

- 15.a **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION** (Pursuant to Government Code Section 54956.9a)  
(City of Union City v. All Interested Parties, et al., Alameda County Superior Court Case Nos. RG 11565761, RG 11565121, RG 11565380, RG 11565392, RG 11565376, RG 11565367)

### **XVI. ADJOURNMENT**

*A complete agenda packet is available for review at City Hall or on our website [www.unioncity.org](http://www.unioncity.org)*

*Any writings or documents provided to a majority of City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall, located at 34009 Alvarado-Niles Road, Union City, California, during normal business hours.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least two working days in advance of the meeting by contacting the City Clerk at (510) 675-5348.*

# CITY OF UNION CITY PROCLAMATION

## *Recognizing May 24, 2011 as "Arbor Day" in Union City*

*WHEREAS, in 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees; and*

*WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and*

*WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and*

*WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and*

*WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal; and*

*WHEREAS, to be eligible for Tree City USA designation, a community must have a Tree Board or Department, a tree care ordinance, a community forestry program with an annual budget of at least \$2.00 per capita, and an Arbor Day observance and proclamation; and*

*WHEREAS, the City of Union City has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices.*

*NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Union City does hereby recognize, May 24, 2011 as "Arbor Day," and calls upon the people of Union City to join their fellow citizens across the United States in recognizing and participating in this special observance.*

*DATED this 24<sup>TH</sup> day of May 2011*

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*MARK GREEN, Mayor*

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*JIM NAVARRO, Vice Mayor*

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*EMILY DUNCAN, Councilmember*

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*PAT GACOSCOS, Councilmember*

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*LORRIN ELLIS, Councilmember*

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

**TUESDAY, MAY 10, 2011  
7:00 PM**

**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 Duncan, Ellis and Gacoscos, Vice Mayor Navarro,  
Mayor Green

Absent: None

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Resolution Proclaiming May 15-21, 2011, as National Public Works Week in the City of Union City

Mayor Green read the resolution aloud and presented it to Public Works Street Supervisor Ray Fitch.

3.b Resolution Proclaiming May 15- 21, 2011, as “National Police Week”

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

3.c Resolution Recognizing Sergeant Brandon Hayward as the 2010 Union City Police Officer's Association "Officer of the Year"

Mayor Green read the resolution aloud and presented it to Officer of the Year Sergeant Brandon Hayward.

3.d Resolution in Appreciation to Larry Orozco for 36 Years of Meritorious Service to the City of Union City Leisure Services Department

Due to Mr. Orozco's inability to attend tonight's meeting, the matter was continued.

3.e Stopwaste.org Presentation on Energy Upgrade California Program

Judi Ettlinger presented information regarding the Energy Upgrade California Program, and responded to questions from Councilmembers.

#### IV. ORAL COMMUNICATIONS

Jose and Olga Villa expressed concern about (1) loud music generated from rental events at the Union City Sports Center, and (2) not having received information from the Liberty Park Homeowner's Association regarding an aquatic facility.

Ted Heinz expressed concern regarding budgeting for counselors with the passage of Measure UU.

#### V. CONSENT CALENDAR

##### **Item 5.f was removed from the Consent Calendar.**

It was moved by Vice Mayor Navarro, seconded by Councilmember Gacoscos, to approve Consent Items 5.a through 5.e, 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 Regular Meeting of April 26, 2011
- 5.c Adopted **Resolution No. 4141-11** Authorizing a Five Year Agreement with Alameda County for Emergency Medical Services First Responder Advanced Life Support Services (FRALS)
- 5.d Adopted **Resolution No. 4142-11** Authorizing an Extension of a Provisional Appointment of a Police Office Assistant as Required by City Personnel Rule 8.03
- 5.e Adopted **Resolution No. 4143-11** of the City Council of the City of Union City Accepting and Appropriating a Supplemental Grant Award in the Amount of Two Thousand Nine Hundred Ninety-nine Dollars and Eighty-one Cents (\$2,999.81) 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 July 1, 2010 Through June 30, 2011

##### **Consideration of Item 5.f removed from the Consent Calendar.**

- 5.f Proposed Schedule for Periodic Joint City Council-Commission Meetings/Work Sessions

City Manager Cheeves provided an overview of the joint meetings scheduled to date, and provided an update on the status of scheduling meetings with the remaining commissions and boards. City Manager Cheeves confirmed staff would endeavor to schedule the remaining meetings by the end of calendar year 2011.

It was moved by Councilmember Duncan, seconded by Councilmember Ellis, to accept the proposed schedule for periodic joint City Council – Commission meetings and work sessions. Councilmembers will notify the City Manager of any dates which should be avoided in scheduling the remaining meetings.

#### VI. PUBLIC HEARINGS - None

**VII. CITY MANAGER REPORTS**

**City Manager Cheeves requested City Council consider a joint presentation of Items 7.a and 7.b.**

- 7.a Adopt a Resolution Authorizing the City Manager to Execute a Joint Reimbursement Agreement for the Winding-Down of the Alameda Community Action Program (ACAP)
- 7.b Adopt a Resolution Appropriating Funds and Authorizing Expenditures of up to \$150,000 to Fund The City's Share of the Wind-Down of the Associated Community Action Program (ACAP) and Authorizing the City Manager to Make Payments for Documented Expenses

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

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4144-11** Authorizing the City Manager to Approve and Execute a Joint Reimbursement Agreement for the Winding Down of the Associated Community Action Program "ACAP". Motion carried unanimously.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4145-11** Appropriating Funds and Authorizing Expenditures of Up to \$150,000 to Fund the City's Share of the Wind-Down of the Associated Community Action Program (ACAP) and Authorizing the City Manager to Make Payments for Documented Expenses. Motion carried unanimously.

- 7.c Fiscal Year 2010-11 3rd Quarter (QTR) Report on Budget to Actual Results for the Period of January 1 through March 31, 2011

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

John Repar inquired about revenue and rental investment income projections.

Councilmembers accepted the informational report. No action was taken.

**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

Councilmember Gacoscos stated she attended the MidPen Housing Phase II groundbreaking ceremony on Tuesday, May 10, 2011, which included a tour of Phase 1.

Councilmember Gacoscos stated she will attend the Housing Authority of Alameda County meeting on Wednesday, May 11, 2011.

Vice Mayor Navarro stated a Joint City Council/New Haven Unified School District Board Sub-Committee meeting is scheduled for Monday, May 16, 2011.

Councilmember Ellis stated he attended the MidPen Housing Phase II groundbreaking ceremony on Tuesday, May 10, 2011.

Councilmember Ellis stated he attended an Economic Development Advisory Team (EDAT) meeting on April 27, 2011, where the discussion included branding and marketing, and ways to funnel ideas from EDAT to staff.

Councilmember Ellis stated he spoke about health care reform at a Human Resources Roundtable event sponsored by EDAT and the Chamber of Commerce on April 28, 2011.

Councilmember Duncan stated she attended the MidPen Housing Phase II groundbreaking ceremony on Tuesday, May 10, 2011.

Councilmember Duncan stated she attended the EDAT meeting on April 27, 2011, and acknowledged staff for having reached out to the East Bay Economic Development Alliance (EDA), and inviting East Bay EDA Technology & Trade Director Bob Sakai to join EDAT.

Councilmember Duncan stated she attended the Alameda County Transportation Commission meeting on April 28, 2011, and the process for submitting proposals had been completed. Councilmember Duncan requested staff update the Council on any proposals which are granted.

Councilmember Duncan stated she and Vice Mayor Navarro had discussed switching their assignments/roles to the League of California Cities, whereby Vice Mayor Navarro would become the delegate and Councilmember Duncan the alternate. Mayor Green concurred.

Mayor Green stated he attended the Alameda County Transportation Commission meeting on April 28, 2011, and expressed support for upcoming projects.

Mayor Green stated he attended the East Bay Economic Development Alliance 2011 East Bay Economic Forecast, held at the Kaiser Center Auditorium in Oakland on May 5, 2011. Mayor Green stated the discussion included projected construction growth for the East Bay, and the importance of retraining people who are out of work.

#### **XIV. GOOD OF THE ORDER**

Councilmember Duncan expressed concern about the potential fire hazard caused by overgrown weeds at Union City Boulevard and Smith Street. Economic and Community Development Director Malloy stated Alameda County Fire had sent notices to all owners of vacant parcels to clear their landscape by May 15, 2011.

Councilmember Ellis expressed concern regarding wheelchair/stroller access at Union Landing shopping center, from Jamba Juice to the Alvarado-Niles Road sidewalk.

Councilmember Gacoscos stated the Asian American Federation of California will celebrate Asian Pacific Islander Month by hosting an Asian American Heritage Festival on May 21, 2011, at the Southern Alameda County Buddhist Church in Union City.

Vice Mayor Navarro invited all to attend a Memorial Day celebration and barbeque at Chapel of the Chimes on May 30, 2011, beginning at 1:30 p.m.

Mayor Green stated there would also be a Memorial Day celebration at 2:00 p.m. on May 30, 2011, at the Flight 93 Memorial.

Vice Mayor Navarro expressed his appreciation at seeing construction had begun on the waiting area at the Veteran's Memorial Park tennis courts. Public Works Director Cheng stated work on the floor was expected to begin May 12.

Mayor Green stated the Alameda County Transportation Commission no longer accepts compressed natural gas proposals.

Mayor Green adjourned the regular meeting to Closed Session at 8:38 p.m.

#### **XV. CLOSED SESSION**

**15.a CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

(Pursuant to Government Code Section 54956.9a)  
(City of Union City v. All Interested Parties, et al., Alameda County Superior Court Case Nos. RG 11565761, RG 11565121, RG 11565380, RG 11565392, RG 11565376, RG 11565367)

**15.b CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

(Pursuant to Government Code Section 54956.9a)  
(Mary Pacheco v. City of Union City, et al., Alameda County Superior Court Case No. HG10-520818)

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

(Pursuant to Government Code Section 54956.9b)  
(Several Cases)

**XVI. ADJOURNMENT**

Mayor Green adjourned the Closed Session at 9:25 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott  
City Clerk



DATE: May 9, 2011

TO: Mayor and Councilmembers

FROM: Renee Elliott, City Clerk

SUBJECT: Reject Claim No. 817, Submitted by Roland Vison, as Recommended by the City's Claims Administrator

**BACKGROUND**

A timely claim was filed by Roland Vison on June 23, 2010. Claimant is seeking reimbursement for injuries he sustained while walking on the sidewalk not far from his home. Mr. Vison is a resident of Union City, and claims he tripped over a displaced portion of sidewalk on May 18, 2010.

**FISCAL IMPACT**

None at this time.

**RECOMMENDATION.**

Reject Claim No. 817, filed by Roland Vison, as recommended by the City's Claims Administrator.

Submitted by:  
Renee Elliott  
City Clerk

Approved by:  
Larry Cheeves  
City Manager



## Agenda Item

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DATE: May 24, 2011  
TO: City Council  
FROM: Mintze Cheng, Public Works Director  
SUBJECT: Adopt a Resolution Authorizing the Execution of Caltrans' Certifications and Assurances for the usage of the Public Transportation Modernization, Improvement, and Service Efficiency Account Bond Program

The attached resolution authorizes the City Manager or his designee to execute required certifications and assurances for the usage of the Public Transportation Modernization, Improvement, and Service Efficiency Account (PTMISEA) Bond Program.

### **BACKGROUND**

The PTMISEA was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Of the \$19.925 billion available to Transportation, \$3.6 billion dollars was allocated to PTMISEA which will be available to transit operators over a ten-year period. PTMISEA funds may be used for transit rehabilitation, safety or modernization improvements, capital service enhancements or expansions, new capital projects, bus rapid transit improvements, or rolling stock (buses and rail cars) procurement, rehabilitation or replacement. Funds in this account are appropriated annually; 50% to Local Operators based on fare-box revenue and 50% to Regional Entities based on population. The California Department of Transportation (Caltrans) is the administering agency.

### **DISCUSSION**

Caltrans has adopted certifications and assurances for the PTMISEA bond program. As a condition to receive PTMISEA funds, each project sponsor/agency must authorize an agency designee to execute these certifications and assurances. They include guidelines for project administration, reporting, cost principles, record retention and special situations.

Based on funding projections, Union City will receive approximately \$300,000 in direct PTMISEA funds from Caltrans and \$950,000 in PTMISEA funds through the Metropolitan Transportation Commission over the program period. These funds will be used as local matches for federal grants to purchase replacement vehicles.

### **FISCAL IMPACT**

There will be no impact on the General Fund.

## **RECOMMENDATION**

It is recommended City Council adopt the attached resolution authorizing the City Manager or his designee to execute required certifications and assurances for the PTMISEA Bond Program.

Attachments:

- Draft Resolution
- PTMISEA Certification and Assurances

Prepared by:  
Wilson Lee, Transit Manager

Submitted by:  
Mintze Cheng, Public Works Director

Approved by:  
Larry Cheeves, City Manager

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND  
ASSURANCES FOR THE PUBLIC TRANSPORTATION MODERNIZATION,  
IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT BOND  
PROGRAM**

**WHEREAS**, the City of Union City is an eligible project sponsor and may receive state funding from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) now or sometime in the future for transit projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

**WHEREAS**, Senate Bill 88 (2007) named the Department of Transportation (Department) as the administrative agency for the PTMISEA; and

**WHEREAS**, the Department has developed guidelines for the purpose of administering and distributing PTMISEA funds to eligible project sponsors (local agencies); and

**WHEREAS**, the City of Union City wishes to delegate the authorization to execute these documents and any amendments thereto to the City Manager or his designee.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Union City that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

**BE IT FURTHER RESOLVED** that the City Manager or his designee be authorized to execute all required documents of the PTMISEA program and any Amendments thereto with the California Department of Transportation.

## **Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Bond Program**

### **Certifications and Assurances**

**Project Sponsor:** City of Union City.

**Effective Date of this Document:** [Date].

The California Department of Transportation (Department) has adopted the following certifications and assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) bond program. As a condition of the receipt of PTMISEA bond funds, project sponsors must comply with these terms and conditions.

#### **A. General**

- (1) The project sponsor agrees to abide by the current PTMISEA Guidelines
- (2) The project sponsor must submit to the Department a PTMISEA Program Expenditure Plan, listing all projects to be funded for the life of the bond, including the amount for each project and the year in which the funds will be requested.
- (3) The project sponsor must submit to the Department a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

#### **B. Project Administration**

- (1) The project sponsor certifies that required environmental documentation is complete before requesting an allocation of PTMISEA funds. The project sponsor assures that projects approved for PTMISEA funding comply with Public Resources Code § 21100 and § 21150.
- (2) The project sponsor certifies that PTMISEA funds will be used only for the transit capital project and that the project will be completed and remains in operation for its useful life.
- (3) The project sponsor certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.

- (4) The project sponsor certifies that they will notify the Department of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
- (5) The project sponsor must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
- (6) Any interest the project sponsor earns on PTMISEA funds must be used only on approved PTMISEA projects.
- (7) The project sponsor must notify the Department of any changes to the approved project with a Corrective Action Plan (CAP).
- (8) Under extraordinary circumstances, a project sponsor may terminate a project prior to completion. In the event the Project Sponsor terminates a project prior to completion, the Project Sponsor must (1) contact the Department in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.
- (9) Funds must be encumbered and liquidated within the time allowed in the applicable budget act.

### **C. Reporting**

- (1) Per Government Code § 8879.55, the project sponsor must submit the following PTMISEA reports:
  - a. Semi-Annual Progress Reports by February 15<sup>th</sup> and August 15<sup>th</sup> each year.
  - b. A Final Report within six months of project completion.
  - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of PTMISEA bond funds. A copy of the audit report must be submitted to the Department within six months of the close of the year (December 31) each year in which PTMISEA funds have been received or expended.

### **D. Cost Principles**

- (1) The project sponsor agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- (2) The project sponsor agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and (b) those parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PTMISEA funds as a contractor or sub-contractor shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (3) Any project cost for which the project sponsor has received payment that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by the project sponsor to the State of California (State). Should the project sponsor fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the project sponsor from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

#### **E. Record Retention**

- (1) The project sponsor agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the project sponsor, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the project sponsor, its contractors and subcontractors connected with PTMISEA funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the project sponsor, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Project Sponsor pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the project sponsor's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
- (2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with

the performance of the project sponsor's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the project sponsor shall furnish copies thereof if requested.

- (3) The project sponsor, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

**F. Special Situations**

- (1) A project sponsor may lend its unused funds from one year to another project sponsor for an eligible project, for maximum fund use each fiscal year (July1 – June 30). The project sponsor shall collect no interest on this loan.
- (2) Once funds have been appropriated in the budget act, a project sponsor may begin a project with its own funds before receiving an allocation of bond funds, but does so at its own risk.
- (3) The Department may perform an audit and/or request detailed project information of the project sponsor's PTMISEA funded projects at the Department's discretion at any time prior to the completion of the PTMISEA program.

I certify all of these conditions will be met.

**CITY OF UNION CITY**

**BY:** \_\_\_\_\_  
[Name, Title]



**DATE: MAY 24, 2011**

**TO: CITY COUNCIL OF THE CITY OF UNION CITY**

**FROM: RICH DIGRE, DIRECTOR OF ADMINISTRATIVE SERVICES**  
**JOAN MALLOY, DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT**

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING ITS INTENTION TO RENEW THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, CALLING AN ASSESSMENT BALLOT PROCEEDING AND ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING**

The Union Landing property owners are declaring their intention to again establish the Union Landing Property and Business Improvement District (PBID) for a three-year period (FY 11-12, FY 12-13, and FY 13-14). The existing PBID was also for a three-year period through FY 10-11. The PBID would continue to provide funding for three dedicated full-time sworn Union City Police Officers at Union Landing.

#### **DISCUSSION**

Union Landing property owners have expressed strong satisfaction with the level and quality of police services provided under the existing PBID. The PBID program has allowed for the continuation of a strong relationship between the police department, the businesses, and the property owners. Officers have also had the resources necessary to develop innovative responses to problems at the center, including the creation of the Code of Conduct, and the shoplifter release program. The three on-site officers patrol the area, deter crime, make arrests when necessary, warn and advise trespassers, respond to visitor inquiries, and assist the business and property owners. These services have been critical for the establishment and maintenance of the safe reputation of the center.

California State Law allows the formation of Property and Business Improvement Districts so that commercial areas can form an association to provide services above and beyond those typically provided in a City. A majority of the property owners, represented by assessment

amount, in Union Landing have signed a petition to begin the process of again forming a PBID to provide police services within Union Landing.

The timeline for formation is as follows:

- May 24 (tonight) – City Council adopts the resolution of intention to renew the Union Landing PBID and sets the Public Hearing date
- June 10 – Ballot packages submitted to the property owners
- July 26 – City Council holds the Public Hearing, tabulates the ballots, and, assuming no majority protest, votes to renew the Union Landing PBID
- August 1 – Assessment roll submitted to Alameda County

### **FISCAL IMPACT**

If the PBID is ratified by the owners, the assessment is expected to raise approximately \$584,175 in FY 11-12, \$607,542 in FY 12-13, and \$631,843 in FY 13-14.

### **RECOMMENDATION**

Staff recommends that the City Council approve the attached resolution.

#### **Prepared by:**

Steve Sprotte  
Management Analyst

#### **Submitted by:**

Rich Digre  
Director of Administrative Services

Joan Malloy  
Director of Economic & Community Development

#### **Approved by:**

Larry Cheeves  
City Manager

Attachments:

Resolution  
Union Landing PBID Management Plan

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING ITS INTENTION TO RENEW THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, CALLING AN ASSESSMENT BALLOT PROCEEDING AND ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING**

**WHEREAS**, the City Council of the City of Union City (hereafter referred to as the "City Council") pursuant to the provisions of the Property and Business Improvement District Law of 1994, Part 7 of Division 18 of the Streets and Highways Code of California (hereafter referred to as the "Act"), did by previous Resolutions, complete proceedings for the formation and subsequent renewal of the Union Landing Property and Business Improvement District (hereafter referred to as the "District"); and

**WHEREAS**, the Act authorizes cities to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

**WHEREAS**, Articles XIII C and XIII D of the California Constitution and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments; and

**WHEREAS**, the City Council renewed the District for a three year period ending with Fiscal Year 2010/2011 by Resolution No. 3672-08 on July 8, 2008; and

**WHEREAS**, written petitions have been submitted by District property owners requesting the City Council to initiate proceedings pursuant to the Act to renew the District for a three year period; and

**WHEREAS**, such petitions were signed by property owners in the District who will pay more than fifty percent of the assessments proposed to be levied; and

**WHEREAS**, a Management District Plan entitled the "Union Landing PBID Management Plan" (hereafter referred to as the "Management District Plan") has been prepared and submitted to the City Clerk, containing all of the information required by Section 36622 of the Act, including a description of the boundaries of the District, the improvements and activities proposed for the District, and the cost of such improvements and activities;

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

- 1. Intent to Renew District:** Pursuant to Section 36621(a) of the Act, the City Council declares its intention to renew for three years, the Union Landing Property and Business Improvement District and to levy and collect assessments on lots and parcels of real property within the District, commencing with the Fiscal Year commencing July 1, 2011 and ending June 30, 2012.
- 2. Management District Plan and Engineer's Report:** The City Council hereby approves the Management District Plan, which contains the District's Engineer's Report, on file in the office of the City Clerk. The City Clerk shall make the Management District Plan and other documents related to the District available to the public for review during normal business hours.
- 3. Ballot Proceeding:** An assessment ballot proceeding is hereby called on behalf of the City Council on the matter of confirming assessments for any property within the District subject to a new assessment pursuant to Article XIII D of the California Constitution. The assessment ballot proceeding on the matter of authorizing the levy of the assessments, pursuant to Section 4 of Article XIII D of the California Constitution, consists of a ballot and mailed notice, distributed by first class mail to the property owner(s) of record as identified on the last equalized property tax roll of the County of Alameda subject to the proposed assessment. Each property owner's ballot is weighted by the amount of his or her proposed assessment. Each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing on the matter on July 26, 2011. At the conclusion of the Public Hearing, the City Clerk and/or an

impartial designee shall tabulate the ballots to determine if a majority protest exists. The ballots shall be weighted according to the proportional financial obligation of each affected parcel. A majority protest exists if, upon the conclusion of the public hearing, weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment. Provided a majority protest does not exist, the City Council may then renew the District by adopting a resolution to that effect.

4. **Notice of Public Hearing:** Notice is hereby given that the City Council shall conduct a public hearing on the renewal of the District and the levy and collection of assessments for Fiscal Year 2011/2012 on July 26, 2011 at 7:00 PM or as soon thereafter as the matter may be heard, in the City Council Chambers located in City Hall, 34009 Alvarado-Niles Road, Union City, CA 94587.
5. **Proposed Activities and Improvements:** The activities within the District are security and administration. The activities are described more specifically in the Management District Plan.
6. **Proposed Assessment:** The assessment is proposed to be levied on property in the District pursuant to the method contained in the Management District Plan. The proposed levy for the entire District for Fiscal Year 2011/12 is \$584,174.78. The maximum amount to be levied and collected for subsequent years may be increased by an amount not to exceed four percent per year. No bonds will be issued. The assessment is described more specifically in the Management District Plan.
7. **Proposed Boundaries:** The District includes those parcels which are located in the commercial business center known as the Union Landing Center. The center is bounded by Interstate 880 to the east, Whipple Road to the north, Dyer Street to the West and Alvarado-Niles Road to the south. The District boundaries are described more specifically in the Management District Plan.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mark Green  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Renee Elliott  
City Clerk

\_\_\_\_\_  
Ben Reyes  
City Attorney



**City of Union City**

**Management District Plan**

**Union Landing Property and Business Improvement District**

**May 24, 2011**

**Main Office**

32605 Temecula Parkway, Suite 100  
Temecula, CA 92592  
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## ***DISTRICT AT A GLANCE***

In order to maintain the high quality entertainment and shopping environment of the Union Landing center and protect the safety of visitors, a high-profile law enforcement presence was established by the Union City Police Department. The reputation of the center as a safe and enjoyable shopping and entertainment complex has allowed the center to become a very popular destination and enjoy a positive reputation and strong business climate.

Due to extreme shortfalls in the 2004/05 City of Union City (the "City") budget, it was determined in 2004 that the City could no longer afford to provide dedicated police services in Union Landing. In order to address the potential lack of security, staff met with property owners and discussed options for continuing to provide the existing level of dedicated police services to Union Landing. As a result of these meetings, it was determined that the establishment of a Property and Business Improvement District would allow for the police services to be provided within Union Landing. Proceedings were conducted pursuant to Proposition 218, the "Right to Vote on Taxes Act" approved by California voters in 1996, which added Articles XIII C and XIII D to the California State Constitution (the "Assessment Law") and the Property and Business Improvement District Law of 1994, California Streets and Highway Code Sections 36600 et seq (the "1994 Act"). A lack of majority protest existed and the City formed the Union Landing Business Improvement Assessment District (the "Union Landing PBID") in 2004 for a term of one year, which included Fiscal Year 2004/05. In 2005, the District was renewed for a period of three years, which included Fiscal Years 2005/06, 2006/07 and 2007/08. In 2008, The District was again renewed for a period of three years, which included Fiscal Years 2008/09, 2009/10 and 2010/11. Fiscal Year 2010/11 is the last year of the District's current term.

### **Boundary**

The boundaries of the Union Landing PBID include 37 parcels of land based upon County of Alameda Assessor Records, as of January 1, 2011. The Union Landing PBID includes those parcels which are located in the commercial business center known as the Union Landing Center. The center is generally bounded by Interstate 880 to the east, Whipple Road to the north, Dyer Street to the West and Alvarado-Niles Road to the south.

### **Improvements, Services, and Activities**

In general, the Union Landing PBID provides for dedicated police services within the Union Landing center through the levy and collection of assessments. These services are generally identified as dedicated police services and all incidental expenses related thereto including, but not limited to, administrative expenses, labor, materials, equipment and services associated with providing dedicated police services within the Union Landing PBID.

### **Annual Total Budget and Assessments**

The total proposed annual operating budget for Fiscal Year 2011/12 is \$614,920.69. Assessment revenue, as well as a general benefit contribution, provides the entire annual budget. The assessment calculation utilizes a combination of police call data, lot square footage and building square footage for each parcel in the District. The Method of Assessment section of this Management District Plan provides a more detailed procedure of the annual assessment calculation.

### **Term**

The renewal term is three years, which includes Fiscal Years 2011/12, 2012/13 and 2013/14. After three years, the property owners and legislative body will need to re-authorize the assessment for an additional term, not to exceed ten years.

## **BACKGROUND**

Property owners establish Property and Business Improvement Districts to provide a constant funding source for various improvements, services, and activities that benefit properties within a defined geographical area. The improvements, services, and activities can include providing enhanced cleaning and maintenance services, improving security, providing for economic development to promote and revitalize an area, and other programs found to benefit an area. The ongoing revenue stream for the improvements, services, and activities comes from the annual assessments that are levied upon properties within the area following a formal petition and ballot approval process by the weighted majority of those assessed and then only after public hearings and approval by the City Council.

### **What is a Property and Business Improvement District?**

---

A Property and Business Improvement District (the “PBID”) is a special financing district that provides for the levy and collection of assessments on properties within a geographically defined area. Assessment revenue collected from the benefitting properties pays the costs associated with the improvements, services, and activities provided to the PBID area.

A PBID established under the 1994 Act requires the establishment of an owners’ association. The City Council must authorize the formation, establishment and renewal of the PBID and following the PBID renewal, the City will levy and collect the annual assessments.

PBIDs serve as highly successful funding mechanisms. Some notable PBIDs include: the Greater Union Square PBID in San Francisco, the LA Fashion District PBID in Los Angeles, and the Times Square PBID in New York City.

### **Establishing a PBID**

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In the state of California, PBID’s are governed by the 1994 Act Proposition 218, approved by the California voters on November 6, 1996, which became part of the California Constitution (Article XIII C and XIID) and the Proposition 218 Omnibus Implementation Act (Government Code §53750 et seq.), which regulates and limits the imposition of special assessments by requiring that property owners be given notice and the opportunity to vote on assessments. It also requires that votes be weighted based upon the financial obligation imposed on their properties.

As part of the renewal proceedings, proponents prepare a Management District Plan in accordance with Section 36622 of the 1994 Act. The Management District Plan contains, but is not limited to, the following required elements:

- a map, in sufficient detail to locate each assessed property within the PBID;
- the name of the PBID;
- the description of the boundaries, including any zones of benefit;
- the improvements, services, and activities to be funded for each year of operation, along with the maximum cost;
- the total annual amount to be expended, in each year of operation, for improvements, services, activities, maintenance, and operations;
- the proposed source(s) of financing, including the basis and method of levying the assessments, and whether or not bonds will be issued;
- the time and manner of collecting the assessments;
- the specific number of years in which the assessments will be levied;
- the time for implementation and completion of the Management District Plan;

- any rules and regulations applicable to the PBID; and
- a listing of the properties to be assessed along with the parcel number and the method by which expenses will be imposed upon benefitted real property in proportion to the benefit received.

### **PBID Name Designation**

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The name designation of this district is the “City of Union City Union Landing Property and Business Improvement District” (“Union Landing PBID”).

### **Union Landing PBID Boundary**

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The properties located within the boundaries of the Union Landing PBID represent the commercial center known as Union Landing.

The boundaries of the Union Landing PBID include 37 parcels of land based upon County of Alameda Assessor Records, as of January 1, 2011. The Union Landing PBID includes those parcels which are located in the commercial business center known as the Union Landing Center. The center is generally bounded by Interstate 880 to the east, Whipple Road to the north, Dyer Street to the West and Alvarado-Niles Road to the south.

The “Description of Improvements, Services, and Activities” section of this Management District Plan provides further details of the different services and activities provided in the Union Landing PBID.

Appendix A of this report provides a map of the boundaries, as well as the identification of each parcel within the Union Landing PBID.

### **Union Landing PBID Duration**

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The renewal term for the Union Landing PBID is set for a period of 3 years. Beginning with Fiscal Year 2011/12, the City will levy and collect Union Landing PBID assessments through Fiscal Year 2013/14. After the Fiscal Year 2013/14 final assessment billing, the property owners have the ability to renew the Union Landing PBID for an additional term of up to 10 years.

### **Timeline for Implementation and Completion of the Union Landing PBID**

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The timeline in the following table provides for the renewal of the Union Landing PBID and allows sufficient time to calculate and include the Fiscal Year 2011/12 assessments on the Alameda County’s secured property tax roll. Given various considerations and time constraints, the proposed timeline for the renewal and implementation of the Union Landing PBID is as follows:

## Proposed Timeline

<b>Task Description</b>	<b>Estimated Completion Date</b>
Present Final District Management Plan, Boundary Map, Engineer's Report	May 17, 2011
Conduct Outreach, Receive Additional Feed Back on Plan, Gather Petitions in Support of Union Landing PBID	May 18, 2011
Submit Petitions to City Council	May 19, 2011
City Council Vote on Resolution of Intention to Renew Union Landing PBID	May 24, 2011
Proposition 218 Ballot Packages Submitted to Property Owners	June 10, 2011
Conduct Public Hearing, Tabulate Ballots, City Council Vote on Resolution Renewing Union Landing PBID	July 26, 2011
Assessments Submitted to Alameda County for Billing	August 1, 2011

## ***DESCRIPTION OF IMPROVEMENTS, SERVICES, AND ACTIVITIES***

In general, the Union Landing PBID provides for dedicated police services within the Union Landing center through the levy and collection of assessments. These services are generally identified as dedicated police services and all incidental expenses related thereto including, but not limited to, administrative expenses, labor, materials, equipment and services associated with providing dedicated police services within the Union Landing PBID.

### **Security Services**

---

The security team will consist of three sworn full-time Union City police officers who will patrol the Union Landing PBID and will be responsible for coordinating their activities to deter crime, make arrests when necessary, warn and advise trespassers and pan handlers, and respond to visitor inquiries. The staffing will include one supervising police corporal and two police officers who will be dedicated on a full-time basis to the Union Landing PBID. In addition, the Union City Police Department will provide emergency response to supplement dedicated services on an as-needed basis. The leasing of office space is also included.

The work schedule of the dedicated police corporal and officers will be determined by the Chief of Police based upon the recommendations of the Union Landing PBID Owner's Association, the calls for service workload, general activity requiring increased police presence, Memorandum of Understanding with the Union City Police Officers Association, and with overall consideration of the general welfare of the entire Union Landing PBID.

### **Administration Services**

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Administration includes the management of the Union Landing PBID, the levy and collection of assessments and any other City overhead and administrative duties directly related to the management of the Union Landing PBID.

### **Existing City Services**

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The City provides police services to the Union Landing center. The improvements, services, and activities funded by the Union Landing PBID assessment revenue are in addition to those services currently provided by the City.

## **ANNUAL AMOUNT TO BE COLLECTED AND EXPENDED**

The maximum annual budget presented below represents the costs for providing the improvements, services, and activities within the Union Landing PBID that are in addition to those services already provided by the City.

Beginning in Fiscal Year 2011/12, the maximum annual budget amount, for each of the three years, for the Union Landing PBID is as follows:

<b>Budget Item</b>	<b>Fiscal Year 2011/12 Costs</b>	<b>Fiscal Year 2012/13 Costs</b>	<b>Fiscal Year 2013/14 Costs</b>
Sworn Police Services	\$554,076.17	\$576,239.22	\$599,288.79
Office Space Lease for Police Personnel	24,002.60	24,962.70	25,961.21
Administration and Overhead	36,841.92	38,315.60	39,848.22
<b>Total Costs</b>	<b>\$614,920.69</b>	<b>\$639,517.52</b>	<b>\$665,098.22</b>

<b>Revenue Description</b>	<b>Fiscal Year 2011/12 Revenue Amount</b>	<b>% of Total Revenue</b>
Assessment Contribution	\$584,174.78	95%
General Benefit Contribution	30,746.04	5%
Rounding Adjustment	(0.13)	0%
<b>Total Revenue</b>	<b>\$614,920.69</b>	<b>100%</b>

If surplus exists at the end of any fiscal year on June 30<sup>th</sup>, surplus should be used for any of the following purposes:

- To provide a credit to the following year's budget amount to reduce the annual assessment for each property owner.
- Surplus may be used to build a reserve in an amount not to exceed 50% of the annual assessment amount.
- Surplus in an amount less than 5% of the overall assessment may be used to provide services for any lawful purpose in accordance with the 1994 Act.

The maximum annual assessment rates are subject to an annual increase beginning July 1, 2012. The maximum annual assessment rate increase is equal to 4%. Note, this is the maximum annual assessment and the actual amount assessed to properties may be less than this maximum, depending on the annual budget of the Union Landing PBID.

Based upon a maximum annual assessment rate increase of 4%, beginning July 1, 2012, the projected maximum annual assessment revenue for three years is:

<b>Fiscal Year</b>	<b>Maximum Annual Assessment Revenue (1)</b>
2011/12	\$584,174.78
2012/13	607,541.77
2013/14	631,843.44
<b>Total</b>	<b>\$1,823,559.99</b>

- (1) The total maximum amount assessed to property owners within the Union Landing PBID each fiscal year, based on the current Police Call Volume, Lot Square Footage and Building Square Footage.

## **METHOD OF ASSESSMENT**

### **Source(s) of Financing**

---

The levy and collection of annual assessments upon property within Union Landing PBID provides the primary funding source for the improvements, services, and activities previously outlined. There is also a general benefit contribution.

The Union Landing PBID will not issue bonds to fund any of the improvements, services, and activities provided by the Union Landing PBID.

### **Definitions**

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"Assessor's Data" – The Lot Square Footage and/or other Assessor's Parcel information contained in the records of the County Assessor.

"Assessor's Parcel" - A lot or parcel of land designated on an Assessor's Parcel Map with an assigned Assessor's Parcel number within the boundaries of the Union Landing PBID.

"Assessor's Parcel Map" - An official map of the Assessor of the County designating Assessor's Parcels by Assessor's Parcel number.

"Building Square Footage" – The total square footage of the building as shown in the Assessor's Data for each Assessor's Parcel, or other sources deemed reliable.

"County" – The County of Alameda, State of California.

"Fiscal Year" - The period commencing on July 1 of any calendar year and ending June 30 of the following calendar year.

"Lot Square Footage" - The total square footage of the lot as shown on the Assessor's Parcel Map or in the Assessor's Data for each Assessor's Parcel, or other sources deemed reliable.

"Police Call Volume" – The total number of police service calls to an Assessor's Parcel as provided by the City of Union City Police Department. This information is gathered at the time of the renewal of the Union Landing PBID and will be used to calculate the assessment for the Fiscal Years proposed to be assessed by this Management District Plan.

### **Basis of Assessment**

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The special benefits which will be received by real property within the Union Landing PBID relate to the enhanced level of services, and specialized activities provided within the boundaries of the district. This will include dedicated police services to deter crime, make arrests when necessary, warn and advise trespassers and panhandlers and respond to visitor inquiries within the Union Landing PBID.

Assessor's Parcels within the Union Landing PBID include a blend of retail, restaurant and commercial land uses that come in a variety of parcel sizes, building sizes, shapes, and formats. Because of the composition of land uses, the assessment cannot be fairly spread to parcels in a uniform manner. Therefore a method of apportionment has been developed for the Union Landing PBID that reflects the proportional special benefit each property receives from the proposed improvements, services and activities based on quantifiable property characteristics for each parcel as compared to other properties within the Union Landing PBID utilizing similarities and differences in parcel size, building size and number of calls for police services.

Police Call Volume is the primary benefit factor and is considered as fifty percent of the benefit methodology and assessment formula, while Lot Square Footage and Building Square Footage are each applied at twenty-five percent. The resultant formulas within the Union Landing PBID are as follows:

$$50\% \times \text{Assessment Contribution} = \text{Service Call Benefit}$$

$$25\% \times \text{Assessment Contribution} = \text{Building Square Footage Benefit}$$

$$25\% \times \text{Assessment Contribution} = \text{Lot Square Footage Benefit}$$

$$\text{Service Call Benefit} / \text{Total number of Service Calls in PBID} = \text{Rate per Service Call}$$

$$\text{Building Square Footage Benefit} / \text{Total Building Square Footage in PBID} = \text{Rate per Building Square Foot}$$

$$\text{Lot Square Footage} / \text{Total Lot Square Footage in PBID} = \text{Rate per Lot Square Foot}$$

$$\text{Rate per Service Call} \times \text{Number of Assessor's Parcel Service Calls} = \text{Service Call Assessment}$$

$$\text{Rate per Building Square Foot} \times \text{Assessor's Parcel Building Square Footage} = \text{Building Square Footage Assessment}$$

$$\text{Rate per Lot Square Footage} \times \text{Assessor's Parcel Lot Square Footage} = \text{Lot Square Footage Assessment}$$

$$\text{Service Call Assessment} + \text{Building Square Footage Assessment} + \text{Lot Square Footage Assessment} = \text{Total Annual Assessment per Assessor's Parcel}$$

### Maximum Annual Assessment Rates

The Union Landing PBID Fiscal Year 2011/12 maximum annual assessment rates are as follow:

- Rate per Service Call: \$80.464879
- Rate per Building Square Foot: \$0.142549
- Rate per Lot Square Foot: \$0.034546

### Maximum Annual Assessment Increases

The maximum annual assessment rates are subject to an annual increase beginning July 1, 2012. The maximum annual assessment rate increase is equal to 4%. Note, this is the maximum annual assessment and the actual amount assessed to properties may be less than this maximum, depending on the annual budget of the Union Landing PBID.

Based upon a maximum annual assessment rate increase of 4%, beginning July 1, 2012, the projected maximum annual assessment revenue for three years is:

Fiscal Year	Maximum Annual Assessment Revenue (1)
2011/12	\$584,174.78
2012/13	607,541.77
2013/14	631,843.44
<b>Total</b>	<b>\$1,823,559.99</b>

(1) The total maximum amount assessed to property owners within the Union Landing PBID each fiscal year, based on the current Police Call Volume, Lot Square Footage and Building Square Footage.

Regardless of the assessment amount actually levied each year (assessments may be levied at less than the maximum assessment rate), the maximum allowable assessment rates will increase as described above. Any increase in the actual amount of the assessment levied, as long as it does not exceed the maximum assessment for that Fiscal Year, is not considered an increase of the assessment as defined by Proposition 218.

## **Time and Manner of Collecting Assessments**

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The City will levy and collect Union Landing PBID assessments in the same manner and at the same time as ordinary *ad valorem* property taxes. The City may, on behalf of the Union Landing PBID, directly bill any Assessor's Parcels, should the Owner's Association deem it necessary, or if any Assessor's Parcels do not regularly receive a property tax bill from the County.

## **Engineer's Report**

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The Union Landing PBID's Engineer's Report prepared in support of the Union Landing PBID has been prepared as a separate document. Appendix C of this Management District Plan includes a copy of the Engineer's Report.

## **UNION LANDING PBID MANAGEMENT**

### **Union Landing PBID Term**

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The proposed renewal term for the Union Landing PBID is set at three years. The City will levy assessments beginning Fiscal Year 2011/12 up through and including Fiscal Year 2013/14. In order to authorize the levy and collection of assessments after Fiscal Year 2013/14, the Union Landing PBID will need to go through the renewal process pursuant to the 1994 Act.

### **Proposed Union Landing PBID Rules and Regulations**

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The PBID's owners' association to be known as the "PBID Owner's Association" (the "Owner's Association"), will consult with the City regarding the PBID funded services. The Owner's Association meets, at least annually.

### **Additional Matters**

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The stakeholders renewed the Union Landing PBID after careful research; based on information and sources deemed to be reliable. If a property owner thinks that the assessment has been calculated or applied in error, he or she must first contact the City to correct the property information used to calculate the assessment.

### **Disestablishment**

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Each year that the Union Landing PBID is in existence, there will be a 30-day period during which the property owners will have the opportunity to request disestablishment of the Union Landing PBID. This 30-day period begins each year on the anniversary date the City Council renewed the Union Landing PBID. Within that 30-day period if a written petition is submitted by the owners of real property who pay 50% or more of the assessments levied, the Union Landing PBID may be disestablished by the City Council of the City.

A majority (three members) of the City Council may initiate disestablishment proceedings at any time based on improper actions by the Owner's Association, such as misappropriation of funds, malfeasance, or violation of law.

A supermajority (90% of council members) of the City Council may initiate disestablishment proceedings for any reason.

All outstanding indebtedness must be paid prior to disestablishment of the Union Landing PBID.

### **Assessor's Parcel Listing**

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Appendix B of this report provides a listing of all of the Assessor's Parcels, including the Assessor's Parcel number, Owner, Police Call Volume, Lot Square Footage, Building Square Footage, and the annual assessment amount.

The "Source(s) of Financing" section of this Management District Plan provides the assessment methodology used in determining each Assessor's Parcel's maximum annual assessment.

The City will place the Union Landing PBID assessments on the annual secured property tax bills for regular collection at the standard due dates (due twice per year on November 1 and February 1). The Union Landing PBID assessment will appear as a separate line item on the property tax bill. The City will directly bill any Assessor's Parcels which do not regularly receive a property tax bill from the County.

## ***APPENDICES***

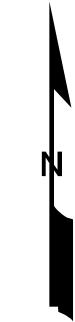
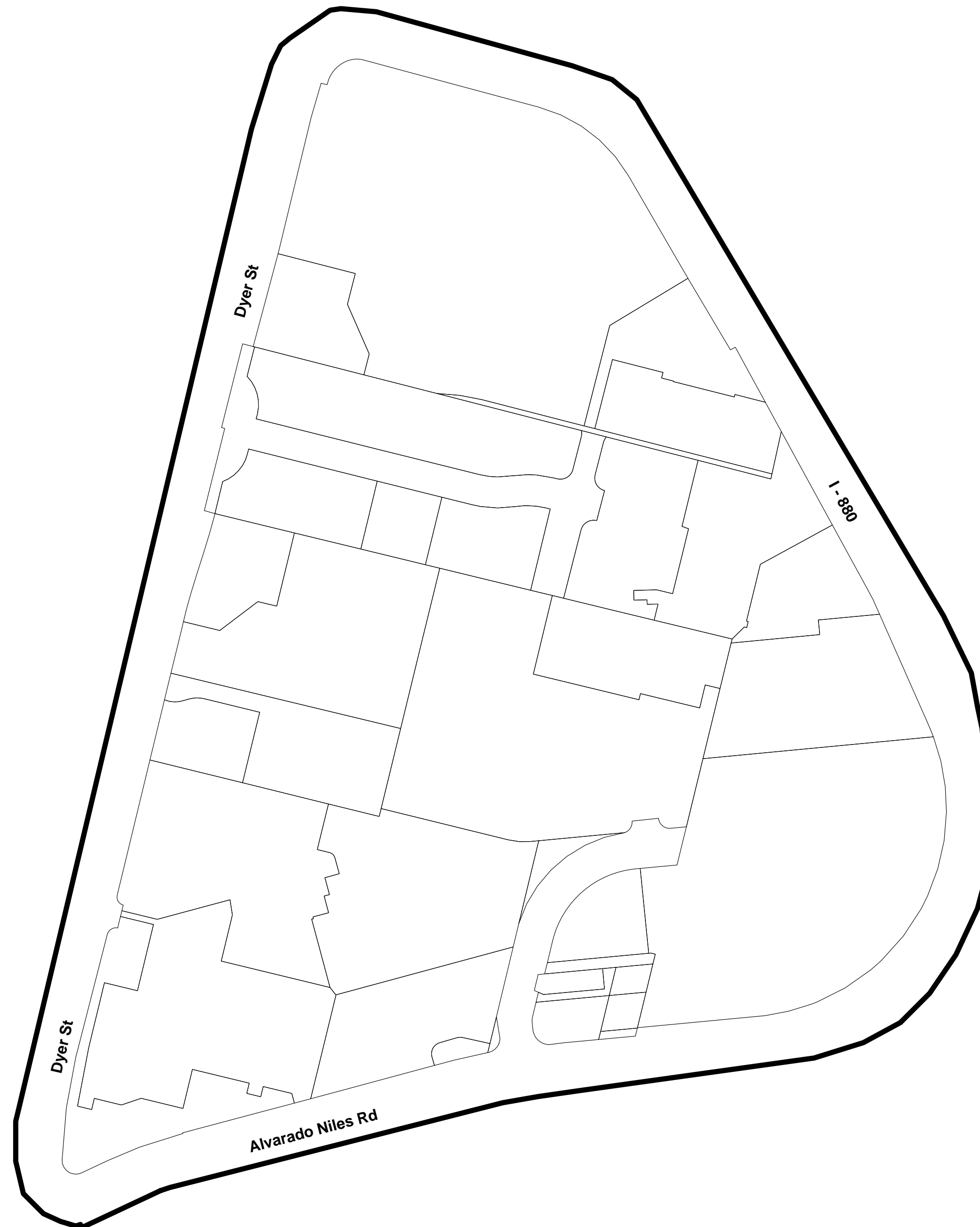
<b>Boundary Map</b>	<b>A</b>
<b>Assessor's Parcel Listing</b>	<b>B</b>
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## ***APPENDIX A – BOUNDARY MAP***

The following page provides a boundary map that outlines the boundaries of the Union Landing PBID, as well as the location and identification of each Assessor's Parcel subject to the annual assessment.

**BOUNDARY MAP  
CITY OF UNION CITY  
UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

CITY OF UNION CITY  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA



**Legend**

- District Parcels
- District Boundary

## ***APPENDIX B – ASSESSOR’S PARCEL LISTING***

Following is a list of all of the Assessor’s Parcels, including the Assessor’s Parcel Number, Owner, Police Call Volume, Lot Square Footage, Building Square Footage, and the Annual Assessment Amount.

CITY OF UNION CITY  
Union Landing Property and Business Improvement District

2011/12 Assessment Roll

Assmnt ID	APN	Property Owner	Business	Number of 2010 Service Calls	Lot Square Footage	Building Square Footage	Assmnt per Service Call	Assmnt per Lot Sq Ft	Assmnt per Bldg Sq Ft	Total Assessment
1	463 006001210	BARBIERI VITTORE A & ANNA M TRS	AT&T Wireless, FedEx/Kinko's, Payless Shoe Source	73	73,774	12,280	\$5,873.94	\$2,548.82	\$1,750.46	\$10,173.22
2	463 006001214	CITY OF UNION CITY	Exempt - Street Parcel	0	0	0	0.00	0.00	0.00	0.00
3	463 006001307	K&P LAU FAMILY LP	Applebee's	23	60,034	5,760	1,850.69	2,074.11	821.06	4,745.86
4	463 006001511	DYER TRIANGLE LLC	Mountain Mike's Pizza (formerly Game Crazy and Hollywood Video), Jollibee's, Krispy Kreme	49	106,316	20,603	3,942.78	3,673.11	2,936.88	10,552.76
5	463 006001513	DYER TRIANGLE LLC	Lucky's, Jamba Juice, Radio Shack, Q Cleaners, Union Landing Dental	152	231,864	65,668	12,230.66	8,010.67	9,360.71	29,602.04
6	463 006002103	DYER TRIANGLE LLC	IHOP, La Salsa, Tuti Melon, Pasta Pomodoro, Sally's Beauty, Starbucks, Sushi Boat, Togo's, Chili's, Great Clips, Elite Nails, Baskin Robbins	180	235,289	31,714	14,483.68	8,129.00	4,520.70	27,133.38
7	463 006002205	KPDT ENTERPRISES LLC	Smart & Final (formerly Linen's N Things), Michael's Crafts, Petco	83	224,694	68,433	6,678.58	7,762.95	9,754.85	24,196.38
8	463 006002800	LOTUS HOTELS UNION CITY INC	Holiday Inn Express	204	119,354	38,988	16,414.84	4,123.56	5,557.58	26,095.98
9	463 006002900	VIRAY CHRISTOPHER	Manila Dental	0	7,200	3,137	0.00	248.75	447.17	695.92
10	463 006003000	TOMTEX INVESTMENTS CORPORATION	None	0	6,611	0	0.00	228.40	0.00	228.40
11	463 006003100	WAL-MART REAL ESTATE BUSINESS TRUST	Wal-Mart	773	696,352	146,645	62,199.35	24,058.27	20,903.66	107,161.26
12	463 006003200	DYER UNION LANDINGS LLC	Lay Z Boy	11	67,008	13,674	885.11	2,315.06	1,949.17	5,149.34
13	463 006003400	TOMTEX INVESTMENTS CORPORATION	Office Max	36	88,209	23,500	2,896.74	3,047.53	3,349.83	9,294.10
14	463 006003500	TOMTEX INVESTMENTS CORPORATION	Party City and Sleep Train	29	75,577	14,500	2,333.48	2,611.11	2,066.92	7,011.50
15	463 006003600	BRE ESA P PORTFOLIO LLC	Extended Stay	122	106,637	56,280	9,816.72	3,684.20	8,022.49	21,523.40
16	463 006003700	MAJESTIC EMPIRE HOLDINGS LLC	TGI Friday's	133	49,014	6,526	10,701.83	1,693.38	930.26	13,325.46
17	463 006003800	SWANSON ROBERT FAMILY LP	Chevy's	51	59,068	7,255	4,103.71	2,040.74	1,034.17	7,178.62
18	463 006003900	AUSTIN CRAVINGS UNION LANDING LLC	Mancini's Sleep World, Sprint	40	34,037	10,912	3,218.60	1,175.94	1,555.46	5,950.00
19	463 006004000	DYER TRIANGLE LLC	None	0	1,198	0	0.00	41.39	0.00	41.38
20	463 006004101	DYER TRIANGLE LLC	Century Theaters, Fresh Choice, Fuddrucker's	847	193,842	129,069	68,153.75	6,697.05	18,398.27	93,249.06
21	463 006004200	DYER TRIANGLE LLC	Texas Roadhouse, Tony Roma's, Chase Bank, Vitamin Shoppe	197	443,189	20,602	15,851.58	15,311.74	2,936.73	34,100.04
22	463 006004300	DYER TRIANGLE LLC	Borders	85	103,452	25,747	6,839.51	3,574.16	3,670.13	14,083.80
23	463 006004502	PAPPAS UNION CITY NO 2 LP	In N Out	91	47,421	3,179	7,322.30	1,638.35	453.15	9,413.80
24	463 006004600	PAPPAS UNION CITY NO 2 LP	Lowe's	80	490,050	159,284	6,437.19	16,930.74	22,705.30	46,073.22
25	463 006004700	PAPPAS UNION CITY NO 2 LP	Best Buy	126	166,835	46,191	10,138.57	5,763.98	6,584.34	22,486.90
26	463 006004800	PAPPAS UNION CITY LP	None	0	70,132	0	0.00	2,422.99	0.00	2,422.98
27	463 006004900	PAPPAS UNION CITY NO 2 LP	Babies R Us	19	132,858	39,774	1,528.83	4,590.11	5,669.62	11,788.56
28	463 006005000	UNION CITY DEC 04 LP	Sports Authority	30	114,563	28,105	2,413.95	3,958.04	4,006.26	10,378.24
29	463 006005100	PAPPAS UNION CITY LP	Cold Stone Creamery, Anderson Bakery, Game Stop, Gerry's Grill, District Shoes, Verizon, Wells Fargo, Fashion Tune, Lane Bryant, Massage Envv	155	159,662	38,848	12,472.06	5,516.16	5,537.63	23,525.84
30	463 006005200	CITY OF UNION CITY	Exempt - Street Parcel	0	0	0	0.00	0.00	0.00	0.00
31	463 010400100	COMMUNITY REDEV AGENCY OF THE CITY OF UNION CITY	Transit Center	0	8,776	266	0.00	303.20	37.92	341.12
32	463 010400200	CITY OF UNION CITY	Transit Center	0	9,967	266	0.00	344.35	37.92	382.26
33	463 010400300	COMMUNITY REDEV AGENCY OF THE CITY OF UNION CITY	Transit Center	0	5,321	0	0.00	183.84	0.00	183.84
34	463 010400400	CITY OF UNION CITY	Transit Center	0	7,419	266	0.00	256.32	37.92	294.24
35	463 010400600	WESTERN DEALER HOLDING CO LLC	Union 76 Gas Station	26	21,902	1,572	2,092.09	756.69	224.08	3,072.86
36	463 010400700	SKY VENTURE SILICON VALLEY LLC	I Fly (formerly called Sky Venture)	15	9,508	5,497	1,206.97	328.49	783.58	2,319.04
37	463 010400800	CITY OF UNION CITY	Exempt - Driveway and Landscaping	0	0	0	0.00	0.00	0.00	0.00
<b>TOTALS</b>				<b>3,630</b>	<b>4,227,133</b>	<b>1,024,541</b>	<b>\$292,087.51</b>	<b>\$146,043.22</b>	<b>\$146,044.22</b>	<b>\$584,174.78</b>

## ***APPENDIX C – ENGINEER’S REPORT***

The following pages contain the Union Landing PBID’s Engineer’s Report prepared in support of the Union Landing PBID.



**City of Union City**

**Engineer's Report**

**Union Landing Property and Business Improvement District**

**May 24, 2011**

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San Francisco, CA 94102  
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## **ENGINEER'S LETTER**

**WHEREAS**, pursuant to the Property and Business Improvement District Law of 1994, it is proposed that the Union Landing Property and Business Improvement District be authorized for a term of three years, commencing July 1, 2011.

**WHEREAS**, this Engineer's Report presents the plans and specifications describing the improvements, services, and activities, an estimate of the costs of the improvements, services, and activities for the Union Landing Property and Business Improvement District for Fiscal Year 2011/12, a diagram showing the area and properties to be assessed, and an assessment of the estimated costs of the improvements, services, and activities, assessing the net amount upon all assessable lots and/or parcels within the Union Landing Property and Business Improvement District in proportion to the special benefit received; and

**NOW THEREFORE**, the following assessment is to be authorized in order to pay the estimated costs of the improvements, services, and activities to be paid by the assessable real property within the boundaries of the Union Landing Property and Business Improvement District in proportion to the special benefit received. The following table summarizes the assessment.

### **FISCAL YEAR 2011/12 SUMMARY OF ASSESSMENT**

<b>Budget Item</b>	<b>Fiscal Year 2011/12 Costs</b>
Sworn Police Services	\$554,076.17
Office Space Lease for Police Personnel	24,002.60
Administration and Overhead	36,841.92
<b>Total Costs</b>	<b>\$614,920.69</b>
General Benefit Contribution	(30,746.04)
Rounding Adjustment	0.13
<b>Total Costs to be Assessed</b>	<b>\$584,174.78</b>
<b>Assessment Rate per Service Call</b>	<b>\$80.464879</b>
<b>Assessment Rate per Building Square Foot</b>	<b>\$0.034549</b>
<b>Assessment Rate per Lot Square Foot</b>	<b>\$0.142546</b>

In making the assessments contained herein pursuant to Proposition 218, the "Right to Vote on Taxes Act" approved by California voters in 1996, which added Articles XIII C and XIII D to the California State Constitution (the "Assessment Law"):

1. I have identified all parcels which will have a special benefit conferred upon them from the improvements, services, and activities described in the Description of Improvements, Services, and Activities section of this Engineer's Report (the "Specially Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy of which is included in Appendix A of this Engineer's Report.
2. I have evaluated the costs and expenses of the improvements, services, and activities upon the Specially Benefited Parcels. In making such evaluation:
  - a. The proportionate special benefit derived by each Specially Benefited Parcel from the improvements, services, and activities was determined in relationship to the entirety of the costs of the improvements, services, and activities;

- b. No assessment has been imposed on any Specially Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements, services, and activities; and
- c. Any general benefits from the improvements, services, and activities have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagram herein have been prepared and computed in accordance with Resolution \_\_\_\_ adopted by the City Council, City of Union City, California and the Assessment Law.

---

Assessment Engineer

## **INTRODUCTION**

This Engineer's Report has been prepared to support the renewal of the City of Union City Union Landing Property and Business Improvement District (the "District") within the City of Union City (the "City"). This property and business improvement district will provide dedicated police services for properties and the businesses located within the boundaries of the District. If authorized, the City will levy assessments annually against real property, for a term of three years, within the boundaries of the District.

### **Background Information**

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In order to maintain the high quality entertainment and shopping environment of the Union Landing center and protect the safety of visitors, a high-profile law enforcement presence was established by the Union City Police Department. The reputation of the center as a safe and enjoyable shopping and entertainment complex has allowed the center to become a very popular destination and enjoy a positive reputation and strong business climate.

Due to extreme shortfalls in the 2004/05 City budget, it was determined in 2004 that the City could no longer afford to provide dedicated police services in Union Landing. In order to address the potential lack of security, staff met with property owners and discussed options for continuing to provide the existing level of dedicated police services to Union Landing. As a result of these meetings, it was determined that the establishment of a Property and Business Improvement District would allow for the enhanced police services to be provided within Union Landing. Proceedings were conducted pursuant to Assessment Law and the Property and Business Improvement District Law of 1994, California Streets and Highway Code Sections 36600 et seq (the "1994 Act"). A lack of majority protest existed and the City formed the Union Landing Business Improvement Assessment District (the "District") in 2004 for a term of one year, which included Fiscal Year 2004/05. In 2005, the District was renewed for a period of three years, which included Fiscal Years 2005/06, 2006/07 and 2007/08. In 2008, The District was again renewed for a period of three years, which included Fiscal Years 2008/09, 2009/10 and 2010/11. Fiscal Year 2010/11 is the last year of the District's current term.

### **Official Name Designation**

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The name designation of this district is the City of Union City Union Landing Property and Business Improvement District ("Union Landing PBID").

### **Type of Property and Business Improvement District**

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The Union Landing PBID is being renewed pursuant to the 1994 Act.

### **Union Landing PBID Boundaries**

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The boundaries of the Union Landing PBID include 37 parcels of land based upon County of Alameda Assessor Records, as of January 1, 2011. The Union Landing PBID includes those parcels which are located in the commercial business center known as the Union Landing Center. The center is generally bounded by Interstate 880 to the east, Whipple Road to the north, Dyer Street to the West and Alvarado-Niles Road to the south.

Appendix A of this Engineer's Report provides an assessment diagram that more fully details the boundaries of the Union Landing PBID and identifies each parcel within the district.

## ***DESCRIPTION OF IMPROVEMENTS, SERVICES, AND ACTIVITIES***

In general, the Union Landing PBID provides for dedicated police services within the Union Landing center through the levy and collection of assessments. These services are generally identified as dedicated police services and all incidental expenses related thereto including, but not limited to, administrative expenses, labor, materials, equipment and services associated with providing dedicated police services within the Union Landing PBID.

### **Security**

---

The security team will consist of three sworn full-time Union City police officers who will patrol the Union Landing PBID and will be responsible for coordinating their activities to deter crime, make arrests when necessary, warn and advise trespassers and pan handlers, and respond to visitor inquiries. The staffing will include one supervising police corporal and two police officers who will be dedicated on a full-time basis to the Union Landing PBID. In addition, the Union City Police Department will provide emergency response to supplement dedicated services on an as-needed basis. The leasing of office space is also included.

The work schedule of the dedicated police corporal and officers will be determined by the Chief of Police based upon the recommendations of the Owner's Association of the District, the calls for service workload, general activity requiring increased police presence, Memorandum of Understanding with the Union City Police Officers Association, and with overall consideration of the general welfare of the entire Union Landing PBID.

### **Administration**

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Administration includes the management of the Union Landing PBID, the levy and collection of assessments and any other City overhead and administrative duties directly related to the management of the Union Landing PBID.

## **ESTIMATED COSTS**

### **Total Annual Amount Proposed to be Expended**

The maximum annual budget presented below represents the costs for providing the improvements, services, and activities that are in addition to those services already provided by the City from July 1, 2011 through June 30, 2012.

Beginning in Fiscal Year 2011/12, the maximum annual budget amount for the Union Landing PBID is as follows:

<b>Budget Item</b>	<b>Fiscal Year 2011/12 Costs</b>	<b>Fiscal Year 2012/13 Costs</b>	<b>Fiscal Year 2013/14 Costs</b>
Sworn Police Services	\$554,076.17	\$576,239.22	\$599,288.79
Office Space Lease for Police Personnel	24,002.60	24,962.70	25,961.21
Administration and Overhead	36,841.92	38,315.60	39,848.22
<b>Total Costs</b>	<b>\$614,920.69</b>	<b>\$639,517.52</b>	<b>\$665,098.18</b>

<b>Revenue Description</b>	<b>Fiscal Year 2011/12 Revenue Amount</b>	<b>% of Total Revenue</b>
Assessment Contribution	\$584,174.78	95%
General Benefit Contribution	30,746.04	5%
Rounding Adjustment	(0.13)	0%
<b>Total Revenue</b>	<b>\$614,920.69</b>	<b>100%</b>

The maximum annual assessment rate is subject to an annual increase beginning July 1, 2012. The maximum annual assessment rate increase is equal to 4%. Note however, that this is the maximum annual assessment and the actual amount assessed to properties may be less than this maximum, depending on the annual budget of the Union Landing PBID.

Based upon a maximum annual assessment rate increase of 4%, beginning July 1, 2012, the projected maximum annual assessment revenue for three years is:

<b>Fiscal Year</b>	<b>Maximum Annual Assessment Revenue (1)</b>
2011/12	\$584,174.78
2012/13	607,541.77
2013/14	631,843.44
<b>Total</b>	<b>\$1,823,559.99</b>

(1) The total maximum amount assessed to property owners within the Union Landing PBID each fiscal year, based on the current Police Call Volume, Lot Square Footage and Building Square Footage.

# **METHOD OF ASSESSMENT**

## **Statutory Considerations**

---

Proposition 218, the “Right to Vote on Taxes Act” was approved by California voters in 1996, which added Articles XIII C and XIII D to the California State Constitution. The primary results of Proposition 218 were stricter definitions of assessments, special taxes, fees, and charges, and a general mandate for some type of voter approval for any new or increased tax, assessment, or property-related fee. The Proposition 218 Omnibus Implementation Act (the “Implementation Act”) was approved July 1, 1997. The Implementation Act provided for procedures throughout the notice, protest and hearing process. It should be noted that this report has been prepared to be consistent with current practices and the California State Constitution

### **General Benefit**

Proposition 218 requires that any local agency proposing to increase or impose a special assessment to “separate the general benefits from the special benefits conferred on a parcel.” General benefits are defined as those services or improvements which provide a general increase in property values to all property or provides benefits to the health, safety or education of the public. The rationale for separating special and general benefits is to ensure that the property owners are not charged with an assessment that pays for general benefits. Thus, a local agency carrying out projects or services that provide both special and general benefits may levy an assessment to pay for the special benefits but must acquire separate funding to pay for those general benefits.

The services and activities more fully presented in the “Description of Improvements, Services, and Activities” section of this Engineer’s Report are, by and large, provided to those parcels that are within the Union Landing PBID boundaries. The services provided to the parcels are for the specific enhancement of the business activities carried out on the parcels within the Union Landing PBID. The officers assigned to the police substation in the Union Landing PBID do, however, occasionally respond to emergency calls in the vicinity but outside the boundary of the Union Landing PBID. While specific instances are not tracked, an interview with the Sergeant assigned to the substation indicated that approximately 5% of the calls that those officers respond to are outside the Union Landing PBID. Therefore, 5% of the total estimated costs are considered to be the general benefits conveyed by the Union Landing PBID services and activities.

### **Special Benefit**

Pursuant to Proposition 218, or more specifically Article XIII D, Section 2(i) “Special benefit means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute special benefit.”

All parcels that have special benefit conferred upon them as a result of the services and activities provided shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire cost of the services and activities.

In accordance with Article XIII D §4(a) “No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel.” Article XIII D also provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public alleys, public easements and rights-of-ways.

Parcels within the Union Landing PBID will receive a special benefit from the services funded through the levying of assessments. The security services and associated costs have been identified as necessary and desired by the property owners within the Union Landing PBID. The services specially benefit the property in the Union Landing PBID by:

- Improving pedestrian and vehicular safety within the Union Landing PBID
- Increasing the level of crime prevention for property owners, merchants and visitors within the Union Landing PBID

## Definitions

---

"Assessor's Parcel" - A lot or parcel of land designated on an Assessor's Parcel Map with an assigned Assessor's Parcel number within the boundaries of the Union Landing PBID.

"Assessor's Parcel Map" - An official map of the Assessor of the County designating Assessor's Parcels by Assessor's Parcel number.

"Building Square Footage" - The total structure square footage as shown on County Assessor's data for each Assessor's Parcel, or other sources deemed reliable.

"County" – The County of Alameda, State of California.

"Fiscal Year" – The period commencing on July 1 of any calendar year and ending June 30 of the following calendar year.

"Lot Square Footage" – The total square footage of an Assessor's Parcel as shown on County Assessor's data, or other sources deemed reliable.

"Police Call Volume" – The total number of police service calls to an Assessor's Parcel as provided by the City of Union City Police Department. This information is gathered at the time of the renewal of the Union Landing PBID and will be used to calculate the assessment for the Fiscal Years proposed to be assessed by this Engineer's Report.

## Basis of Assessment

---

The special benefits which will be received by real property within the Union Landing PBID relate to the enhanced level of services, and specialized activities provided within the boundaries of the Union Landing PBID. This will include dedicated police services to deter crime, make arrests when necessary, warn and advise trespassers and panhandlers and respond to visitor inquiries within the Union Landing PBID.

Assessor's Parcels within the Union Landing PBID include a blend of retail, restaurant and commercial land uses that come in a variety of parcel sizes, building sizes, shapes, and formats. Because of the composition of land uses, the assessment cannot be fairly spread to parcels in a uniform manner. Therefore a method of apportionment has been developed for the Union Landing PBID that reflects the proportional special benefit each property receives from the proposed improvements, services and activities based on quantifiable property characteristics for each parcel as compared to other properties within the Union Landing PBID utilizing similarities and differences in parcel size, building size and number of calls for police services.

Police Call Volume is the primary benefit factor and is considered as fifty percent of the benefit methodology and assessment formula, while Lot Square Footage and Building Square Footage are each applied at twenty-five percent. The resultant formulas within the Union Landing PBID are as follows:

$$50\% \times \text{Assessment Contribution} = \text{Service Call Benefit}$$

$$25\% \times \text{Assessment Contribution} = \text{Building Square Footage Benefit}$$

$$25\% \times \text{Assessment Contribution} = \text{Lot Square Footage Benefit}$$

$$\text{Service Call Benefit} / \text{Total number of Service Calls in PBID} = \text{Rate per Service Call}$$

$$\text{Building Square Footage Benefit} / \text{Total Building Square Footage in PBID} = \text{Rate per Building Square Foot}$$

$$\text{Lot Square Footage} / \text{Total Lot Square Footage in PBID} = \text{Rate per Lot Square Foot}$$

Rate per Service Call x Number of Assessor's Parcel Service Calls = Service Call Assessment  
 Rate per Building Square Foot x Assessor's Parcel Building Square Footage = Building Square Footage Assessment  
 Rate per Lot Square Footage x Assessor's Parcel Lot Square Footage = Lot Square Footage Assessment

Service Call Assessment + Building Square Footage Assessment + Lot Square Footage Assessment =  
 Total Annual Assessment per Assessor's Parcel

## Maximum Annual Assessment Rates

---

The Union Landing PBID Fiscal Year 2011/12 maximum annual assessment rates are as follow:

- Rate per Service Call: \$80.464879
- Rate per Building Square Foot: \$0.142549
- Rate per Lot Square Foot: \$0.034546

## Maximum Annual Assessment Revenue Increase

---

The maximum annual assessment rates are subject to an annual increase beginning July 1, 2012. The maximum annual assessment rate increase is equal to 4%. Note, this is the maximum annual assessment and the actual amount assessed to properties may be less than this maximum, depending on the annual budget of the Union Landing PBID.

Based upon a maximum annual assessment rate increase of 4%, beginning July 1, 2012, the projected maximum annual assessment revenue for three years is:

Fiscal Year	Maximum Annual Assessment Revenue (1)
2011/12	\$584,174.78
2012/13	607,541.77
2013/14	631,843.44
<b>Total</b>	<b>\$1,823,559.99</b>

(1) The total maximum amount assessed to property owners within the Union Landing PBID each fiscal year, based on the current Police Call Volume, Lot Square Footage and Building Square Footage.

Regardless of the assessment amount actually levied each year (assessments may be levied at less than the maximum assessment), the maximum allowable assessment rates will increase as described above. Any increase in the actual amount of the assessment levied, as long as it does not exceed the maximum assessment for that fiscal year, is not considered an increase of the assessment as defined by Proposition 218.

## Fiscal Year 2011/12 Assessment

---

The following table provides the Fiscal Year 2011/12 assessment for the Union Landing PBID:

<b>Budget Item</b>	<b>Fiscal Year 2011/12 Costs</b>
Sworn Police Services	\$554,076.15
Office Space Lease for Police Personnel	24,002.59
Administration and Overhead	36,841.91
<b>Total Costs</b>	<b>\$614,920.65</b>
General Benefit Contribution	(30,746.04)
Rounding Adjustment	(0.13)
<b>Total Costs to be Assessed</b>	<b>\$584,174.48</b>
<b>Assessment Rate per Service Call</b>	<b>\$80.464879</b>
<b>Assessment Rate per Building Square Foot</b>	<b>\$0.034549</b>
<b>Assessment Rate per Lot Square Foot</b>	<b>\$0.142546</b>

### **Source(s) of Financing**

---

The levy and collection of annual assessments upon property within Union Landing PBID provides the primary funding source for the improvements, services, and activities previously outlined. There is also a general benefit contribution.

The Union Landing PBID will not issue bonds to fund any of the improvements, services, and activities provided by the Union Landing PBID.

### **Time and Manner of Collecting Assessments**

---

The City will levy and collect Union Landing PBID assessments in the same manner and at the same time as ordinary *ad valorem* property taxes. The City may, on behalf of the Union Landing PBID, directly bill any Assessor's Parcels, should the Owner's Association deem it necessary, or if any Assessor's Parcels do not regularly receive a property tax bill from the County.

The City will place the Union Landing PBID assessments on the annual secured property tax bills for regular collection at the standard due dates (due twice per year on November 1 and February 1). The Union Landing PBID assessment will appear as a separate line item on the property tax bill. The City will directly bill any Assessor's Parcels which do not regularly receive a property tax bill from the County.

### **Assessment Roll**

---

Appendix B of this Engineer's Report provides a listing of all of the Assessor's Parcels subject to the Union Landing PBID annual assessment, including the Assessor's Parcel number, owner, Police Call Volume, Building Square Footage and Lot Square Footage.

### **Resolution of Disputes**

---

The stakeholders renewed the Union Landing PBID after careful research; based on information and sources deemed to be reliable. If a property owner thinks that the assessment has been calculated or applied in error, he or she must first contact the City to correct the property information used to calculate the assessment.

### **Disestablishment**

---

Each year that the Union Landing PBID is in existence, there will be a 30-day period during which the property owners will have the opportunity to request disestablishment of the Union Landing PBID. This 30-day period begins each year on the anniversary date the City Council renewed the Union Landing PBID. Within that 30-day period if a written petition is submitted by the owners of real property who pay 50% or more of the assessments levied, the Union Landing PBID may be disestablished by the City Council of the City.

A majority (three members) of the City Council may initiate disestablishment proceedings at any time based on improper actions by the Owner's Association, such as misappropriation of funds, malfeasance, or violation of law.

A supermajority (90% of council members) of the City Council may initiate disestablishment proceedings for any reason.

All outstanding indebtedness must be paid prior to disestablishment of the Union Landing PBID.

## ***APPENDICES***

**Assessment Diagram**

**A**

**Assessment Roll**

**B**

## ***APPENDIX A – ASSESSMENT DIAGRAM***

The following page provides the Assessment Diagram that outlines the boundaries of the Union Landing PBID, as well as the identification of each parcel subject to the annual assessment.

# ASSESSMENT DIAGRAM CITY OF UNION CITY UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

CITY OF UNION CITY  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK, CITY OF UNION CITY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
CITY CLERK  
CITY OF UNION CITY

FILED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
SUPERINTENDENT OF STREETS  
CITY OF UNION CITY

ASSESSMENTS WERE LEVIED BY THE CITY COUNCIL OF THE CITY OF UNION CITY ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. SAID ASSESSMENTS WERE LEVIED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, AND THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF UNION CITY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011. REFERENCE IS HEREBY MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

\_\_\_\_\_  
CITY CLERK  
CITY OF UNION CITY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_M., IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

\_\_\_\_\_  
DEPUTY  
COUNTY RECORDER  
COUNTY OF ALAMEDA

DOCUMENT NO. \_\_\_\_\_



NOTES:  
1.FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSORS PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR OF THE COUNTY OF ALAMEDA.

**NBS**  
32605 Temecula Parkway, Suite 100, Temecula, CA 92592  
Toll free: 800.676.7516 | Fax: 951.296.1998 | nbsgov.com

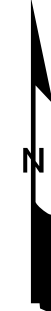


**Legend**  
□ District Parcels

# ASSESSMENT DIAGRAM CITY OF UNION CITY UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

CITY OF UNION CITY  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA

Assessment ID	APN
1	463 006001210
2	463 006001214
3	463 006001307
4	463 006001511
5	463 006001513
6	463 006002103
7	463 006002205
8	463 006002800
9	463 006002900
10	463 006003000
11	463 006003100
12	463 006003200
13	463 006003400
14	463 006003500
15	463 006003600
16	463 006003700
17	463 006003800
18	463 006003900
19	463 006004000
20	463 006004101
21	463 006004200
22	463 006004300
23	463 006004502
24	463 006004600
25	463 006004700
26	463 006004800
27	463 006004900
28	463 006005000
29	463 006005100
30	463 006005200
31	463 010400100
32	463 010400200
33	463 010400300
34	463 010400400
35	463 010400600
36	463 010400700
37	463 010400800



**Legend**  
 District Parcels

## ***APPENDIX B – ASSESSMENT ROLL***

Following is a list of all of the Assessor's Parcels subject to the Union Landing PBID annual assessment, including the Assessor's Parcel number, owner, Service Calls, Building Square Footage and Parcel Square Footage.

CITY OF UNION CITY  
Union Landing Property and Business Improvement District

2011/12 Assessment Roll

Assmnt ID	APN	Property Owner	Business	Number of 2010 Service Calls	Lot Square Footage	Building Square Footage	Assmnt per Service Call	Assmnt per Lot Sq Ft	Assmnt per Bldg Sq Ft	Total Assessment
1	463 006001210	BARBIERI VITTORE A & ANNA M TRS	AT&T Wireless, FedEx/Kinko's, Payless Shoe Source	73	73,774	12,280	\$5,873.94	\$2,548.82	\$1,750.46	\$10,173.22
2	463 006001214	CITY OF UNION CITY	Exempt - Street Parcel	0	0	0	0.00	0.00	0.00	0.00
3	463 006001307	K&P LAU FAMILY LP	Applebee's	23	60,034	5,760	1,850.69	2,074.11	821.06	4,745.86
4	463 006001511	DYER TRIANGLE LLC	Mountain Mike's Pizza (formerly Game Crazy and Hollywood Video), Jollibee's, Krispy Kreme	49	106,316	20,603	3,942.78	3,673.11	2,936.88	10,552.76
5	463 006001513	DYER TRIANGLE LLC	Lucky's, Jamba Juice, Radio Shack, Q Cleaners, Union Landing Dental	152	231,864	65,668	12,230.66	8,010.67	9,360.71	29,602.04
6	463 006002103	DYER TRIANGLE LLC	IHOP, La Salsa, Tuti Melon, Pasta Pomodoro, Sally's Beauty, Starbucks, Sushi Boat, Togo's, Chili's, Great Clips, Elite Nails, Baskin Robbins	180	235,289	31,714	14,483.68	8,129.00	4,520.70	27,133.38
7	463 006002205	KPDT ENTERPRISES LLC	Smart & Final (formerly Linen's N Things), Michael's Crafts, Petco	83	224,694	68,433	6,678.58	7,762.95	9,754.85	24,196.38
8	463 006002800	LOTUS HOTELS UNION CITY INC	Holiday Inn Express	204	119,354	38,988	16,414.84	4,123.56	5,557.58	26,095.98
9	463 006002900	VIRAY CHRISTOPHER	Manila Dental	0	7,200	3,137	0.00	248.75	447.17	695.92
10	463 006003000	TOMTEX INVESTMENTS CORPORATION	None	0	6,611	0	0.00	228.40	0.00	228.40
11	463 006003100	WAL-MART REAL ESTATE BUSINESS TRUST	Wal-Mart	773	696,352	146,645	62,199.35	24,058.27	20,903.66	107,161.26
12	463 006003200	DYER UNION LANDINGS LLC	Lay Z Boy	11	67,008	13,674	885.11	2,315.06	1,949.17	5,149.34
13	463 006003400	TOMTEX INVESTMENTS CORPORATION	Office Max	36	88,209	23,500	2,896.74	3,047.53	3,349.83	9,294.10
14	463 006003500	TOMTEX INVESTMENTS CORPORATION	Party City and Sleep Train	29	75,577	14,500	2,333.48	2,611.11	2,066.92	7,011.50
15	463 006003600	BRE ESA P PORTFOLIO LLC	Extended Stay	122	106,637	56,280	9,816.72	3,684.20	8,022.49	21,523.40
16	463 006003700	MAJESTIC EMPIRE HOLDINGS LLC	TGI Friday's	133	49,014	6,526	10,701.83	1,693.38	930.26	13,325.46
17	463 006003800	SWANSON ROBERT FAMILY LP	Chevy's	51	59,068	7,255	4,103.71	2,040.74	1,034.17	7,178.62
18	463 006003900	AUSTIN CRAVINGS UNION LANDING LLC	Mancini's Sleep World, Sprint	40	34,037	10,912	3,218.60	1,175.94	1,555.46	5,950.00
19	463 006004000	DYER TRIANGLE LLC	None	0	1,198	0	0.00	41.39	0.00	41.38
20	463 006004101	DYER TRIANGLE LLC	Century Theaters, Fresh Choice, Fuddrucker's	847	193,842	129,069	68,153.75	6,697.05	18,398.27	93,249.06
21	463 006004200	DYER TRIANGLE LLC	Texas Roadhouse, Tony Roma's, Chase Bank, Vitamin Shoppe	197	443,189	20,602	15,851.58	15,311.74	2,936.73	34,100.04
22	463 006004300	DYER TRIANGLE LLC	Borders	85	103,452	25,747	6,839.51	3,574.16	3,670.13	14,083.80
23	463 006004502	PAPPAS UNION CITY NO 2 LP	In N Out	91	47,421	3,179	7,322.30	1,638.35	453.15	9,413.80
24	463 006004600	PAPPAS UNION CITY NO 2 LP	Lowe's	80	490,050	159,284	6,437.19	16,930.74	22,705.30	46,073.22
25	463 006004700	PAPPAS UNION CITY NO 2 LP	Best Buy	126	166,835	46,191	10,138.57	5,763.98	6,584.34	22,486.90
26	463 006004800	PAPPAS UNION CITY LP	None	0	70,132	0	0.00	2,422.99	0.00	2,422.98
27	463 006004900	PAPPAS UNION CITY NO 2 LP	Babies R Us	19	132,858	39,774	1,528.83	4,590.11	5,669.62	11,788.56
28	463 006005000	UNION CITY DEC 04 LP	Sports Authority	30	114,563	28,105	2,413.95	3,958.04	4,006.26	10,378.24
29	463 006005100	PAPPAS UNION CITY LP	Cold Stone Creamery, Anderson Bakery, Game Stop, Gerry's Grill, District Shoes, Verizon, Wells Fargo, Fashion Tune, Lane Bryant, Massage Envv	155	159,662	38,848	12,472.06	5,516.16	5,537.63	23,525.84
30	463 006005200	CITY OF UNION CITY	Exempt - Street Parcel	0	0	0	0.00	0.00	0.00	0.00
31	463 010400100	COMMUNITY REDEV AGENCY OF THE CITY OF UNION CITY	Transit Center	0	8,776	266	0.00	303.20	37.92	341.12
32	463 010400200	CITY OF UNION CITY	Transit Center	0	9,967	266	0.00	344.35	37.92	382.26
33	463 010400300	COMMUNITY REDEV AGENCY OF THE CITY OF UNION CITY	Transit Center	0	5,321	0	0.00	183.84	0.00	183.84
34	463 010400400	CITY OF UNION CITY	Transit Center	0	7,419	266	0.00	256.32	37.92	294.24
35	463 010400600	WESTERN DEALER HOLDING CO LLC	Union 76 Gas Station	26	21,902	1,572	2,092.09	756.69	224.08	3,072.86
36	463 010400700	SKY VENTURE SILICON VALLEY LLC	I Fly (formerly called Sky Venture)	15	9,508	5,497	1,206.97	328.49	783.58	2,319.04
37	463 010400800	CITY OF UNION CITY	Exempt - Driveway and Landscaping	0	0	0	0.00	0.00	0.00	0.00
<b>TOTALS</b>				<b>3,630</b>	<b>4,227,133</b>	<b>1,024,541</b>	<b>\$292,087.51</b>	<b>\$146,043.22</b>	<b>\$146,044.22</b>	<b>\$584,174.78</b>



**DATE:** MAY 24, 2011

**TO:** CITY COUNCIL

**FROM:** MINTZE CHENG, PUBLIC WORKS DIRECTOR

**SUBJECT:** AWARD OF CONTRACT FOR PURCHASE OF ONE 2011 HARLEY-DAVIDSON FLHTP ELECTRA GLIDE MOTORCYCLE FOR THE UNION CITY POLICE DEPARTMENT, CITY PROJECT NO. 11-14

**DISCUSSION:**

In April 2011, Police Department motorcycle # 145 was involved in a traffic accident. The unit damaged was a 2003 model Harley Davidson motorcycle (VIN# 1HD1FHW143Y740852) with 25,244 miles. The unit is irreparable for Police function purpose.

The Police Department desires to purchase a new motorcycle to replace the unit that was damaged. The Public Works Department prepared equipment specifications to accommodate the needs of the motorcycle traffic officers. The City's current specifications are for a 2011 Harley-Davidson FLHTP Electra Glide Police package.

Since this is a specialty sole-source purchase, the City negotiated with local Harley-Davidson distributor and received a proposal in the amount of \$25,482.00 for the specified unit (including tax and delivery).

**FISCAL IMPACT:**

Funding for replacement of one motorcycle can be made available from the vehicle replacement account, Fund 6122. Sufficient funds are available in Fund 6122 for the requested purchase.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution appropriating \$25,482 from the Vehicle Replacement Fund to said purchase of one 2011 Harley-Davidson FLHTP Electra Glide (City Project No. 11-14), and award the contract for the purchase to Oakland Harley-Davidson, in Oakland, California.

Prepared by:  
Richard K. Sealana, Public Works Superintendent

Submitted by:  
Mintze Cheng, Public Works Director

Approved by:  
Larry Cheeves, City Manager

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
AWARDING A CONTRACT FOR PURCHASE OF ONE 2011 HARLEY-  
DAVIDSON FLHTP ELECTRA GLIDE POLICE PACKAGE MOTORCYCLE  
CITY PROJECT NO. 11-14**

**WHEREAS**, the Union City Police Department desires to replace one (1) irreparable motorcycle for traffic enforcement; and

**WHEREAS**, the Police Department specified the 2011 Harley-Davidson FLHTP Electra Glide police package model for use in Union City; and

**WHEREAS**, the City conducted a sole-source negotiation with the local Harley-Davidson dealership pursuant to the equipment specifications; and

**WHEREAS**, a sole-source proposal was submitted by Oakland Harley-Davidson of Oakland, California, in the amount of \$25,482; and

**WHEREAS**, Public Works staff recommends the funding for this replacement vehicle come from the vehicle replacement account.

**NOW, THEREFOR, BE IT RESOLVED** that the City Council of the City of Union City hereby appropriates \$25,482 from the Vehicle Replacement Fund (Fund 6122) for purchase of one (1) 2011 Harley-Davidson FLHTP Electra Glide motorcycle (City Project No. 11-14) and awards the contract to Oakland Harley-Davidson of Oakland, California.

### SUPPLEMENTAL APPROPRIATION

Nature of adjustment:  
 Inter-account Transfer                    [     ]  
 Additional Appropriation                [     ]    Approved by Council Action/Resolution # \_\_\_\_\_

INCREASE BUDGET FOR THIS ACCOUNT		DECREASE BUDGET OF THIS ACCOUNT	
ACCOUNT NUMBER	AMOUNT	ACCOUNT NUMBER	AMOUNT
<b>6122-3151-91114</b>  <b>PD Motorcycle</b>	<b>\$25,482.00</b>	<b>Fund 6122 Fund Balance</b>	<b>\$25,482.00</b>

Reason for request:  
 Per City Council Resolution.

**Department Head Signatures:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_

**Availability of funds approved by Administrative Services Director:** \_\_\_\_\_

**City Manager approval:** \_\_\_\_\_



## Agenda Item

**DATE:** MAY 24, 2011  
**TO:** CITY COUNCIL  
**FROM:** MINTZE CHENG, PUBLIC WORKS DIRECTOR  
**SUBJECT:** DESIGNATION OF VEHICLES AS SURPLUS AND AUTHORIZATION TO SEND TO AUCTION

### **INTRODUCTION:**

The Public Works Department is presenting a vehicle to designate as surplus and to be auctioned-off.

### **DISCUSSION:**

Vehicles for surplus are as follows:

<b>CITY UNIT #</b>	<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>VEHICLE IDENTIFICATION NO.</b>	<b>LICENSE PLATE</b>	<b>MILEAGE</b>
327	1998	FORD	E350	1FBSS31L5WHA44961	E989521	67,645

Unit 327 is a 1998 Leisure Services passenger van. This vehicle developed a problem with mold in the air conditioning system. The City was unable to find a mold mitigation company that would clean and certify the vehicle as “mold-free” for safe passenger use. Replacement of the entire air conditioning system and duct work is cost-prohibitive given the age and mileage of the vehicle.

Pursuant to provisions of municipal code section 2.32.250, staff is prepared to send the surplus vehicles out for auction. Vehicles will be processed through First Capital Auction, Inc. of Vallejo, California.

### **FISCAL IMPACT:**

Money received from the auction will be deposited to the vehicle and equipment replacement account.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution, approving the auction of surplus vehicle # 327.

Prepared by:  
Richard Sealana, Public Works Superintendent

Submitted by:  
Mintze Cheng, Public Works Director

Approved by:  
Larry Cheeves, City Manager

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
DECLARING VEHICLE #327 AS SURPLUS AND AUTHORIZING AUCTION  
OF SAID VEHICLE**

**WHEREAS**, there has been presented to the City Council of the City of Union City vehicle #327 with Vehicle Identification No. 1FBSS31L5WHA44961 that is determined no longer suitable for use by the City of Union City;

**AND WHEREAS**, said vehicle has been declared unusable by the City staff;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Union City hereby declares the list of vehicles and equipment, presented by staff, as surplus be disposed of in accordance with the provisions of the Union City Municipal Code section 2.32.250;

**BE IT FURTHER RESOLVED** that said vehicle will be sent to auction and sold with the proceeds to be returned to the vehicle and equipment replacement fund.



## Agenda Item

---

**DATE:** May 24, 2011  
**TO:** City Council  
**FROM:** Mintze Cheng, Public Works Director  
**SUBJECT:** Adopt a Resolution Appropriating Used Oil Payment Program Grant Funds for Fiscal Year 2010-11

**BACKGROUND:**

The California Oil Recycling Enhancement Act provides funds to cities and counties for establishing and maintaining local used oil collection programs that encourage recycling and proper disposal of used oil and oil filters. The Used Oil Payment Program (OPP) is administered by the California Department of Resources Recycling and Recovery (CalRecycle).

**DISCUSSION:**

The City has applied for and received used oil recycling grants for the past ten years. City Staff utilizes these funds for the public education and outreach activities. Typically, we will participate in local events (e.g., Logan High School Science Fair, Earth Day, and Public Works Day), provide promotional material, send out newsletters, post a webpage and place advertisements promoting recycling used oil on Union City Transit buses, etc. The City also commits a minimum of 20% of the grants funds to regional campaigns which are administered by the Alameda County Waste Management Authority (StopWaste.Org).

In Fiscal Year 2010-2011, Union City received \$23,860. These grant funds were distributed in two payments; Grant OPP1 for \$20,805 and Grant OPP1A for \$3,055.

**FISCAL IMPACT:**

Grant funds in the amount of \$23,860 will be appropriated to the Public Works Used Oil Recycling Program Fund (Account 2630-\*-33047) for aforementioned activities. There will be no impact on the General Fund.

**RECOMMENDATION:**

Staff recommends that Council approve the attached resolution appropriating Fiscal Year 2010-11 Used Oil Recycling Grant Funds from CalRecycle to the Public Works Used Oil Recycling Program Fund.

Prepared by:  
Wilson Lee, Transit Manager

Submitted by:  
Mintze Cheng, Public Works Director

Approved by:  
Larry Cheeves, City Manager

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
APPROPRIATING USED OIL PAYMENT PROGRAM GRANT FUNDS FOR FISCAL  
YEAR 2010-11 INTO PUBLIC WORKS USED OIL RECYCLING PROGRAM FUNDS**

**WHEREAS**, the City Council of the City of Union City desires to undertake a local used oil collection program that encourages recycling and proper disposal of used oil; and

**WHEREAS**, the California Department of Resources Recycling and Recovery (CalRecycle) is the grantor and administrating agency of Used Oil Payment Program funds; and

**WHEREAS**, the City Council authorized City Manager to execute all necessary applications, contracts, payments request, agreements and amendments related to the said Grant with CalRecycle per Council Resolution 4011-10; and

**WHEREAS**, the City will receive \$23,860 of the Used Oil Payment Program Grant Funds for used motor oil collection and recycling services and public education activities.

**NOW, THEREFORE, BE IT RESOLVED** that Fiscal Year 2010-2011 Used Oil Payment Program Grant Funds in the amount of \$23,860 be appropriated to the Public Works Used Oil Recycling Program Funds under Fund 2630 and Program 33047.

## REQUEST FOR BUDGET TRANSFER OR SUPPLEMENTAL APPROPRIATION

Nature of adjustment:

Inter-account Transfer [    ]

Additional Appropriation [ X ]

Approved by Council Action/Resolution # \_\_\_\_\_

INCREASE BUDGET OF THIS ACCOUNT		DECREASE BUDGET OF THIS ACCOUNT	
Account Number	Amount	Account Number	Amount
2630-1511-33047-51110	1,193.00	2630-33047-44161	23,860.00
2630-3199-33047-51110	7,158.00		
2630-3199-33047-54213	9,544.00		
2630-3199-33047-54310	5,965.00		
	23,860.00		23,860.00

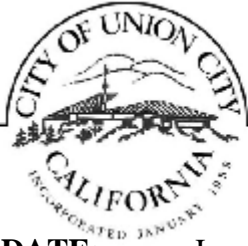
**FY 10-11 Used Oil Payment Program Allocation for Grant OPP1 (\$20,805) and OPP1A (\$3,055)**

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Availability of funds approved by Administrative Services Director: \_\_\_\_\_

City Manager approval: \_\_\_\_\_

24-May-11



## Agenda Item

**DATE:** June 14, 2011

**TO:** Mayor and Councilmembers

**FROM:** Richard Digre, Administrative Services Director

**SUBJECT:** Disclosure of Applicable Fees and Compensation Paid to Agent, Broker, or Individual Relative to Any Public Agency Contract with Delta Dental

### **BACKGROUND**

In compliance with California Health & Safety Code 1367.08 (AB 2589), Delta Dental is required to disclose applicable information about fees and compensation paid to an agent, broker, or individual relative to the City's contract with Delta Dental. The Compensation Disclosure lists the compensation Delta Dental paid during the 2010 plan year to the City's insurance broker, Wells Fargo Insurance Services USA Inc. (WFIS) totaling \$16,680.95, related to the City's group dental plan.

### **DISCUSSION**

Wells Fargo Insurance Services USA Inc. has provided insurance broker services to the City of Union City since 2003 for the majority of the City's employee benefits, with the exception of medical health plans, which are handled through CalPERS. Wells Fargo IS has been instrumental in negotiating insurance premiums with Delta Dental. For the fiscal year 2011/12, Delta Dental recommended a 13.5% increase however; WFIS staff negotiated a 9.5% increase. This is the first increase to the City's Delta Dental premium since 2005.

### **FISCAL IMPACT**

There is no direct fiscal impact to the City. WFIS does not receive compensation from the City, rather they are paid by the insurer, Delta Dental. This report is a disclosure that WFIS received \$16,680.95 in compensation for representing the City of Union City in negotiating dental insurance rates with Delta Dental.

### **RECOMMENDATION**

This is an informational report regarding insurance brokerage fees paid by the dental insurance company, Delta Dental, to the City's insurance broker, WFIS, for securing the insurance program on behalf of the City and its employees.

Prepared by:  
Diane Morimune  
Supervising Human Resources Analyst

Submitted by:  
Richard Digre  
Administrative Services Director

Approved by:  
Larry Cheeves  
City Manager



**DATE:** May 24, 2011  
**TO:** City Council  
**FROM:** Richard Digre, Administrative Services Director  
**SUBJECT:** Audit Committee Report from Meeting held on May 6, 2011

**BACKGROUND**

Statement of Auditing Standards No. 114 (SAS 114) - *The Auditor's Communication with Those Charged with Governance* is a provision of the auditing standards that provides an opportunity for the Auditor to formally address any findings or issues discovered in the course of the audit with the Audit Committee of the City of Union City. The Audit Committee in representing the entire City Council is responsible for the strategic direction of the City and obligations related to the accountability of those charged with the governance of the organization and overseeing the entity's financial reporting process.

**DISCUSSION**

The Audit Committee met with the City's external auditors, Caporicci and Larson, Inc. a subsidiary of Marcum LLP, on May 6, 2011 to discuss the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010. The Audit Committee is comprised of Mayor Green, Councilmember Lorrin Ellis and City Manager Larry Cheeves.

Ahmed Badawi, Partner and Jennifer Ye, Audit Manager for Caporicci & Larson met with the Audit committee. Mr. Badawi outlined the procedures, responsibilities and methodologies used in analyzing the financial records of the City. Because of these efforts, the CAFR for FY 2009-10 received an unqualified audit opinion from the Auditors. An unqualified opinion is the most favorable opinion possible in expressing an opinion on the fairness of the financial position presented in the annual financial statements.

The auditors also made the following disclosures to the Audit Committee:

- No indications of fraudulent or inappropriate activity;
- No disagreements with management;
- The audit of federal grant expenditures resulted in one finding; and

- No material weaknesses in internal accounting controls were found;
- However, five significant deficiencies were identified-
  - Accounts Payable- Lack of Independent Review Procedures for Vendor Master File
  - Prior Period Adjustment- Resulted in Restatements in Four Funds
  - Procurement – Issuance of Invoice prior to Creation of Requisition.
  - Accounting Policies & Procedures – Need for formal written process for General Ledger, Billing, Purchasing & Journal Entry Preparation
  - Schedule of Expenditures of Federal Awards – Duplicate expenditure of federal award.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness but important enough to merit attention by those charged with governance. A significant deficiency does not imply that there is a material misstatement of the City's financial statements. Staff described the procedures that have been and will be undertaken to address the deficiencies.

The auditors also discussed several benchmark measures comparing Union City with the average of other similar organizations and future Governmental Accounting Standards Board (GASB) pronouncements scheduled to be released in the next three years and their impact on the City.

#### **FISCAL IMPACT**

No fiscal impact as a result of the Audit Committee or this report

#### **RECOMMENDATION**

This is an informational report and not action is necessary.

Prepared and Submitted by:  
Richard Digre  
Administrative Services Director

Approved by:  
Larry Cheeves  
City Manager



## Agenda Item

**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Mintze Cheng, Public Works Director  
Joan Malloy, Economic and Community Development Director

**SUBJECT:** Review Union City Project Applications in Response to Call for Projects to the Plan Bay Area (Regional Transportation Plan/Sustainable Communities Strategy)

### **BACKGROUND:**

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) jointly sponsored a Call for Projects from the nine-county San Francisco Bay Area for their collaborative long-range planning efforts: “**Plan Bay Area.**” The Plan Bay Area name builds on the **One Bay Area** brand launched in April 2010 to address climate change/greenhouse gas emission reduction targets on a regional level. This joint effort will culminate in the adoption of a 25-year plan in 2013 by both ABAG and MTC.

Union City, like other local agencies, works through Alameda County Transportation Commission (ACTC) staff to nominate projects that have regional significance within our city limits. Our projects will then be placed in the **Plan Bay Area**, previously known Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

### **DISCUSSION:**

In March 2011, MTC and ABAG jointly issued the “Call for Projects” in support of **Plan Bay Area**. Local agencies had the opportunity to remove and update projects in the current Transportation 2035 Plan and add new projects. Union City staff worked with ACTC and submitted or updated the eight projects listed below. These projects were identified because the projects are part of the Station District vision that directly support the SCS goals, or because the projects propose improvements to major arterials (Whipple Road and Union City Boulevard) and freeways that serve the region.

MTC Project No.	Project Description	Category
94012	UC Intermodal Station (Phase 1)	Committed
21123	UC Intermodal Station Infrastructure Improvements (Phase 2)	Committed
230100	Bicycle/Pedestrian Connector over UPRR Tracks to Job Center	Vision
230101	UC Passenger Rail Station & Dumbarton Rail Segment G Improvements	Vision
230103	Grade Separation in the Decoto Neighborhood	Vision
240051	Union City Boulevard Widening	Vision
240052	I-880/Whipple Road Interchange Improvement	Vision

240053	UC Whipple Road from I-880 to Mission Boulevard Widening and Enhancement	Vision
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***Project Details:***

*Union City Intermodal Station, Phase 1* – This is an existing project that is near completion. The Site Improvement Contract was completed and accepted by BART in November 2010 and the Station Contract is 93 percent complete. This project has a combination of Federal, State, regional, and local funding with a total committed project fund of \$57M.

*Union City Station Infrastructure Improvements, Phase 2* – This project will continue to expand and reconfigure the BART Station to establish a free pedestrian pass-through that will interface with the new passenger rail station to serve Dumbarton Rail, Capitol Corridor and ACE, and connect to the adjacent high-density, mixed-use development. This project has \$19.2M committed Federal and State funds. The application is seeking \$6.3M of gap-closure funds.

*Bicycle/Pedestrian Connector over UPRR Tracks to Job Center* – This project is to construct a pedestrian crossing over the UPRR tracks (Niles Subdivision) in the Union City Station District. The pedestrian crossing will connect the area identified for jobs with the intermodal station. The estimated project cost is \$20M.

*Passenger Rail Station & Dumbarton Rail Segment G Improvements* – This project is to provide passenger rail improvements from Industrial Parkway in Hayward to the Shinn Yards in Fremont. The scope of work includes rail connections to accommodate passenger rail, a grade separation of the UPRR Oakland Subdivision at Decoto Road, and a passenger rail station at the Union City BART Station. Staff estimated the total project cost at \$180M.

*Grade Separation in the Decoto Neighborhood* – This project provides grade separation of the UPRR Niles and Oakland Subdivision tracks west of Decoto Road in conjunction with the grade separation that is identified in the project above. The estimated project cost is \$130M.

*Union City Boulevard Widening* – This project is to widen Union City Boulevard/Hesperian Boulevard from two lanes to three lanes in each direction from Whipple Road in Union City to Industrial Parkway in Hayward. Staff estimated the total project cost at \$10M.

*I-880/Whipple Road Interchange Improvement* – This project is to provide full interchange improvements at Whipple Road and I-880. The estimated project cost is \$10M.

*Whipple Road from I-880 to Mission Boulevard Widening and Enhancement* – This project is to widen and enhance Whipple Road from I-880 in Hayward to Mission Boulevard in Union City. Improvements include bicycle and pedestrian improvements, and roadway widening to accommodate two lanes of traffic in both directions from Central Avenue to Mission Boulevard. The estimated project cost is \$100M.

[It should be noted that two other regionally significant projects – East-West Connector and Dumbarton Rail Project are being sponsored by ACTC and are listed in Plan Bay Area.](#)

**FISCAL IMPACT:**

The above listed projects have no fiscal impacts at this time. City staff will continue to work with ACTC, MTC, State and Federal agencies to explore any and all funding strategies and opportunities.

**RECOMMENDATION:**

Staff requests that Council review, provide comments, and accept the staff report.

Prepared and Submitted by:

Mintze Cheng  
Public Works Director

Joan Malloy  
Economic and Community Development Director

Approved by:

Larry Cheeves,  
City Manager



**DATE:** May 24, 2011

**TO:** City Council

**FROM:** Joan Malloy, Economic and Community Development Director

**SUBJECT:** Adopt a Resolution Accepting Status Report on the Station District Parking Program, Designating No Parking Areas, Authorizing the Purchase of Four Parking Meters, and Setting Parking Fees for the Public Parking Garage

The purpose of this staff report is to provide the City Council a one year status report on the Station District paid parking program; seek approval of no-parking designations on Galliano Way, Berger Way, and portions of Cheeves Way; seek approval to purchase four parking meters; and set parking fees for the public parking garage.

#### **DISCUSSION**

The creation of a paid parking program in the Station District was authorized by the City Council in November 2009. The program went into effect in April 2010.

Prior to the creation of the paid parking program, 500 to 650 cars parked daily along Alvarado-Niles Road, Union Square, 11<sup>th</sup> Street, 12<sup>th</sup> Street, J Street, Decoto Road and Meyers Drive, and in city-owned lots. Most of the cars were BART commuters.

The City Council's paid parking program included financial incentives to encourage BART commuters to park in designated areas and ensure that short-term, on-street parking would be available for retail patrons and visitors to nearby apartment complexes. Residents of apartment complexes were discouraged from parking on the street during the day. The parking program was projected to break even in the early years of operation and generate surplus revenue for the General Fund as the Station District built out.

The City envisioned one parking vendor who would be responsible for all aspects of managing the program from coin collections, electronic collections, meter maintenance and enforcement.

The one-parking-vendor scenario proved to be too costly to implement after review of the proposals. Working with a consultant, staff redesigned the parking program with the Finance Department, IT, Public Works, Police Department, and Economic and Community Development, with each department taking responsibility for portions of the

program. Revenues collected from the parking meters and parking citations would pay for the operational cost of the parking program and maintenance of the Station District.

Contracts were executed with six vendors to implement the parking program:

- AMPCO Parking Consultants were selected to collect cash revenues and maintain the meters. The City purchased 11 smart parking meters manufactured by Digital Technology through AMPCO. The Digital meters enable customers to pay parking fees by credit and debit card. AMPCO was replaced after three months because it did not have the expertise to respond to IT issues with the parking meters.
- Digital Technology encrypts the financial transactions from the meter to the City's Wi-Fi network and to the Digital offices. Digital Technology then transmits the electronic data to the bank that decrypts the data, processes credit and debit card transactions and deposits the revenue into a city account.
- Answer Connect staffs a 24-hour phone inquiry line.
- Weldon Williams prints and sells quarterly parking permits.
- Public Parking Associates replaced AMPCO and took over the management of the parking program, responds to citizen inquiries, and performs IT diagnosis with the parking meters in conjunction with Union City IT staff and Digital.
- Data Ticket processes the parking citations and handles all the appeals. The City also leases three handheld wireless ticketing devices from Data Ticket for the police cadets who provide enforcement.
- City staff maintains the parking program web page, issues parking citations, reconciles electronic and cash parking revenues, and responds to IT issues with the parking meters.
- Revenues from the parking program pay for two part-time cadets to work with the Police Department to issue parking citations. In addition to issuing citations for non-payment of a parking meter fees, the cadets are also responsible for issuing parking citations for red curb violations, parking in handicapped stalls, expired license tags, and street sweeping violations. Prior to the parking program, the Police Department had one cadet dedicated to issuing citations for street sweeping.

Parking meters were installed on 11<sup>th</sup> Street, Union Square, and Parking Lot 1. Area S Parking Permits were placed on Alvarado-Niles Road, Parking Lot 2, Meyers Drive, 12<sup>th</sup> Street, and J Street. BART commuters were encouraged to park in Parking Lot 1 for \$0.50 an hour, or \$3.00 a day maximum Monday through Friday 8:00 AM to 6:00 PM. BART commuters could also purchase an Area S Parking Permit for \$120 per calendar quarter, which equates to \$2.00 a day. Parking on BART-owned lots is \$1.00 a day for

unreserved parking and \$60 a month for reserved parking. Parking on 11<sup>th</sup> Street and Union Square is \$0.50 an hour and parking is enforced Monday through Saturday 8:00 AM to 8 PM. Rapid turnover is encouraged on Union Square and 11<sup>th</sup> Street to ensure parking is available for apartment visitors and retail patrons. After a month-long public education program and warnings, parking enforcement began April 1, 2010.



Best for BART commuters	Ideal for neighborhood visitors	For the occasional BART user
<b>Area \$ Permit</b> Where: Parking Lot 2, Meyers Dr., J St, and Lot, 12th St, Alvarado-Niles Rd, (Northbound). Hours: Monday - Friday 8AM - 6PM Cost: \$120 per quarter Buy online: <a href="http://www.ocparking.org">www.ocparking.org</a> (510) 477-1780	<b>Pay &amp; Display</b> Where: Union Square, 11th St ▶ Enter hours to park ▶ Use credit/debit card or coin ▶ Take receipt ▶ Return to car and display receipt on dashboard Cost: \$0.50 per hour Hours: Mon - Sat, 8am - 8pm	<b>Pay by Space</b> Where: Parking Lot 1 ▶ Enter space number ▶ Enter hours to park ▶ Use credit/debit card or coin ▶ Keep receipt, no need to return to car Cost: \$0.50 per hour = \$3 max. Hours: Mon - Fri, 8am - 6pm

Two hours limited FREE parking is also available on Meyers Drive, 12th Street, J Street Parking Lot and Alvarado-Niles Road.

### Parking Impact in Station District

The parking program’s one year impact includes:

- BART patronage at Union City BART did not decrease after the paid parking program was implemented. BART ridership for the period April 1, 2009 to April 1, 2010, and April 1, 2010 to April 1, 2011 were nearly identical.
- Parking in city-owned lots and on city streets in the Station District dropped significantly. Prior to paid parking, 500 to 650 cars per weekday parked on city streets and city-owned lots in the Station District. After the institution of paid parking, approximately 120 cars a day are parking in the two city-owned lots.

- About 30 BART patrons participate in the Area S Parking Permit program. Residents from Union City, San Jose, Palo Alto, and Pleasanton subscribe to the Union City Area S Parking Permit Program. The Area S Parking Permit is the cheapest and most convenient option for the BART commuter; however, the Area S Parking Permit has not been a popular program with BART commuters.
- As intended, BART commuters and Avalon Bay residents stopped parking on Union Square and Alvarado-Niles Road. Parking on Union Square is now available for apartment visitors. Avalon Bay reported that Union City's institution of paid parking motivated its residents to rent the remaining 60+ parking spaces inside the Avalon Bay parking garage rather than pay for parking on city streets.
- BART commuters are not parking on Alvarado-Niles Road and two-hour free parking is available for retail patrons.
- Parking is eliminated on Decoto Road and bicycle lanes have been restored.
- Some BART patrons are parking on Mann Avenue, 11<sup>th</sup> Street north of Decoto Road, and in the Market Place shopping center parking lot. This is a difficult number to quantify because a large number of residents also park on the street. Through field observations consultants estimated 50 to 100 commuter cars are parking in these neighborhood locations. Market Place property owners have not complained to city staff about BART commuters parking in the shopping center. Residents living along Mann Ave. and 11<sup>th</sup> Street have complained to staff occasionally about BART commuters taking on-street parking. If the neighborhood residents were agreeable, installation of 4-hour parking limits on 11<sup>th</sup> Street between Decoto Road and H Street and on Mann Ave. would discourage BART commuters and free-up parking spaces for neighborhood visitors.

### **Parking Program Revenue**

- Parking meter and permit revenues are less than projected. Consultants projected \$143,000 in gross receipts for the year. The actual revenue was from April 1, 2010 to March 31, 2011 was \$116,517.
- The original bail value of all parking citations issued between April 1, 2010 and March 31, 2011 was \$700,425. The total value of parking citations collected during that period city-wide was \$468,764. This is a significant increase in citation revenues; and the three parking cadets issued 71 percent of the parking citations. **By way of contrast, the total value of all parking citations collected city-wide from April 1, 2009 to March 31, 2010 was \$182,110 versus the current \$468,764.**

- Street sweeping, parking in a handicapped zone, expired registration, failure to make a parking meter payment, and parking more than 18” from the curb are the most common type of parking violations.
- Sixty-eight percent of issued parking citations have been paid. Late fees and penalties can double the original fine. Approximately \$408,000 in outstanding fines and penalties on outstanding parking citations have yet to be collected.
- Data Ticket, the citation vender places Department of Motor Vehicle holds on vehicle license renewals that have outstanding citations. Outstanding parking violations must be paid in full before a vehicle license can be renewed. Thirty-four thousand dollars have been collected through DMV holds. This amount may increase over time.
- Data Ticket notifies the Franchise Tax Board to hold income tax refunds if an individual has outstanding parking citations. More than nine hundred individuals have been referred to the Franchise Tax Board for delinquent parking tickets in Union City. Less than \$3,000 has been collected from the Franchise Tax Board.
- The City does not collect 100 percent of the parking citation revenues. Data Ticket receives \$1.05 per citation as a processing fee. Alameda County collects \$5 from each citation. The State of California collects \$7.50 per citation.
- Parking in a handicap zone is \$308 fine. The fine doubles to \$616 if the original citation is not paid within a month. The state takes 20 percent of the citation and penalties collected on handicapped violations.
- Equipment violations and out of date registration is a \$76 fine. The state takes 50 percent of the collected fine.
- Taking into account gross parking meter revenues, collected parking citation revenues and historic delinquent citations and penalties, and subtracting cost of operations (including the salaries for the Police cadets), and county, state and vendor fees for parking citations, **Union City will net \$309,896 from the parking program for the period of time April 1, 2010 through March 31, 2011.** See the spreadsheet at end of the staff report for a summary.

### **Parking Capital Investment**

- The Agency invested approximately \$200,000 in startup costs for the parking program. This included installation of a Wi-Fi network, the purchase of 11 smart parking meters and other equipment, and consulting costs.
- The Agency also invested approximately \$160,000 in the two parking studies performed by Nelson Nygaard and Watry.

## **Parking Meter Performance**

The heaviest demand on the parking meters is in Lot 1 during the morning commute hours 7:00 AM to 9:00 PM. Ninety to 135 customers may seek to make payments during the two-hour window. The processing time for credit card transactions can take up to 90 seconds. This amount of processing time is not acceptable during the morning commute when 20 people are in line waiting to make payments. Over the past year, the ninety-second processing time did not occur every day, but it was disruptive to customers when it occurred. Public Parking Associates and City staff collected parking payments in cash when there were major IT challenges.

Public Parking Associates, City IT staff, and Digital IT staff spent the last year diagnosing the credit card transaction problem, switched out components and installed new software. The meters had to be reprogrammed to stay on during peak commute times and not go into sleep mode. Even with these improvements, two machines were not adequate to handle peak loads in Parking Lot 1.

Public Parking Associates arranged with VenTek, a smart parking meter manufacturer, to loan Union City a parking meter. The parking meter was setup in Parking Lot 1 to relieve the load on the two Digital parking meters. The VenTek meter provides the opportunity for a side-by-side test to compare its performance with the Digital meters in processing time, ease of use, and customer satisfaction. Staff is seeking authorization to purchase four additional meters in the near future. Parking meters are approximately \$11,000 each. Based on customer feedback and meter performance, either Digital or VenTek brand will be purchased. One meter will be needed for Lot 1, one meter will be needed for Cheeves Way, and two meters will be needed for the public parking component inside the Mid Pen garage. If the VenTek machines are purchased, three VenTek machines would be used in Parking Lot 1, and the Digital parking meters would be moved to Cheeves Way and the Mid Pen parking garage. Additional meters will be needed when BART Phase 2 is opened in approximately 2 ½ years.

## **Next Steps**

Parking activity will increase as the Station District matures. Residential visitors, retail visitors and BART riders will seek parking.

The Mid Pen parking garage is a shared-parking facility. The Agency paid for 117 public parking spaces as part of its contribution to the Mid Pen project. This was done to continue the construction of available public parking spaces in the Station District. Staff is seeking authorization to sell a \$120 per quarter Area M Parking Permit for use in the Mid Pen garage. This is the same price as the Area S permit. Only Mid Pen residents, employees of Mid Pen, and employees of the retail space could purchase the Area M Permit. Public parking would still be available in the parking garage. Customers would pay parking fees for the garage at a parking meter. Parking would be enforced Monday through Saturday 8:00 AM to 8 PM. Mid Pen residents have 24 hour access to the parking garage. City staff and Mid Pen are in negotiations on the hours of operation for the public portions of the garage. The hours of operation will be a function of retail

operation hours and demand. The intent is to make public parking available, but not to create an attractive nuisance.

Construction activity will continue along the portion of Cheeves Way that parallels the Niles Subdivision railroad tracks, Berger Way and Galliano Way for a number of years. Staff is seeking authorization to post No Parking signs along this stretch of roadway. Additionally, at this date there is adequate public parking in the Station District. By restricting parking, there will be fewer meters to purchase and there will be less area for cadets to patrol.

Staff is seeking authorization to install parking meters along the portion of Cheeves Way that parallels the Line M Greenway. This area would be used for Mid Pen visitor and retail parking. Parking would be \$0.50 an hour and enforced Monday through Saturday, 8:00 AM to 8 PM. This is the same rate and time as 11<sup>th</sup> Street.

South Hayward BART does not charge for parking. The parking lot is full and BART commuters are parking on the street. It is BART policy to charge for parking when a lot is 100 percent occupied. BART staff anticipates South Hayward BART could be converted to 100 percent paid parking by the end of calendar year 2011.

If Hayward proceeds in developing the South Hayward BART Station for TOD, the construction disruption is likely to encourage parking at Union City.

Parking Lot 1 and the public parking portion of the Mid Pen garage will be attractive when BART Phase 2 is constructed. The Mid Pen garage will provide enclosed parking less than a five minute walk from the BART Station entrance. The City Council may want to consider adjusting parking fees at that time if there is a significant increase in demand.

Depending upon demand, there will be a need to coordinate with BART staff to educate BART riders on which parking lots are owned by BART and which parking lots are owned by Union City. BART lots and City lots have different payment procedures. City staff has asked BART parking staff to start planning for the opening of BART Phase 2. The Clipper Pass may provide the opportunity for simplified parking payments. The Clipper Card is essentially a prepaid debit card that can be used for transit and parking payments. BART utilizes Clipper to pay for parking and BART rides.

The Clipper has a much quicker processing time than a credit card transaction, but it still presents IT challenges. Like a parking meter solar powered battery, the Clipper batteries can run low. A direct electrical feed and programming a parking meter or a Clipper terminal to not go into sleep mode during peak flows is recommended. A jurisdiction has to be invited by MTC to participate in the Clipper program. Union City Transit installed Clipper hardware in the buses, but has not been invited by MTC to participate in the program. Union City staff will continue to express a desire to MTC to join the Clipper program, which would also be beneficial to the BART commuters.

The Union City parking lots are a great resource for attending public events on BART. Customers wishing to attend the Giants parade after winning the World Series filled the lot. City staff and Public Parking Associates collected cash payments for parking and deposited the funds with Finance to provide fast and effective payment for BART patrons. If major events occur in the future that generate high peak parking demand, City staff and parking consultants will continue to plan for timely and secure methods of collecting parking fees to encourage the use of the parking lots.

### **FISCAL IMPACT**

The parking program is expected to net \$309,896 a year. The purchase of four parking meters would not impact the Agency budget and would be paid for through the Parking Capital Fund 7115-1503-71123-54111.

### **RECOMMENDATION**

Staff recommends that the City Council:

1. Accept the Parking Program staff report;
2. Authorize staff to install No Parking signs along Berger Way, Galliano Way, and the portion of Cheeves Way that parallels the Niles Subdivision railroad tracks.
3. Authorize staff to install one parking machine on the portion of Cheeves Way that parallels the Line M Greenway. The price would be consistent with 11<sup>th</sup> Street, \$0.50 hour, Monday through Saturday, 8:00 AM to 8 PM.
4. Authorize staff to purchase two parking meters for the public parking in the Mid Pen parking garage with a rate of \$0.50 an hour. Hours of operations are in negotiation with Mid Pen.
5. Authorize staff to sell Area M permits for \$120 per calendar quarter to Mid Pen residents, staff, and retail employees.
6. Authorize staff to purchase one additional parking meter for Parking Lot 1.

Prepared by:

Mark Evanoff, Redevelopment Agency Manager

Submitted by:

Joan Malloy, Economic and Community Development Director

Approved by:

Larry Cheeves, City Manager

**Exhibit A**

**Union City Parking Program  
Results of Operations - Cash Basis  
April 1, 2010 through March 31, 2011 (12 months)**

**Paid Parking Division**

<b>Paid Parking Revenue</b>	<b>\$116,517</b>
<b>Paid Parking Expenses:</b>	
Bank service charges	\$6,000
Legal Fees	\$1,000
Digital Payment Technologies	\$10,105
AMPCO	\$32,335
Public Parking Associates, Inc.	\$49,171
Answer Connect	\$4,342
Weldon, Williams, & Lick	<u>\$6,285</u>
<b>Total Paid Parking Expenses</b>	<b>\$109,238</b>
<b>Paid Parking Division Net Income (Loss) - Cash Basis</b>	<b><u><u>\$7,279</u></u></b>

**Parking Enforcement Division**

<b>Parking Enforcement Revenue (Citation gross revenue)</b>	<b>\$468,522</b>
<b>Parking Enforcement Expenses:</b>	
Data Ticket processing fees	\$27,790
State and County fees	\$98,115
Police Cadet salaries	<u>\$40,000</u>
<b>Total Parking Enforcement Expenses</b>	<b>\$165,905</b>
<b>Parking Enforcement Division Net Income (Loss) - Cash Basis</b>	<b><u><u>\$302,617</u></u></b>

**Combined - Union City Parking Program**

<b>Revenue</b>	<b>\$585,039</b>
<b>Expenses</b>	<b>\$275,143</b>
<b>Net Revenue</b>	<b><u><u>\$309,896</u></u></b>

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
ACCEPTING THE STATUS REPORT FOR THE STATION DISTRICT PARKING  
PROGRAM, DESIGNATING NO PARKING AREAS, AUTHORIZING THE  
PURCHASE OF FOUR PARKING METERS, AND SETTING PARKING FEES FOR  
THE PUBLIC PARKING GARAGE**

**WHEREAS**, the goal of the City Council is to encourage BART commuter parking in designated portions of the Station District and make on-street parking available for retail patrons and visitors; and

**WHEREAS**, the City Council reviewed parking meter revenues and expenses, and parking citation revenues and expenses from April 1, 2010 through March 31, 2011, attached as Exhibit A; and

**WHEREAS**, the City Council wishes to expand the parking program as the Station District matures; now therefore

**BE IT RESOLVED** that the City Council of the City of Union City:

1. Accepts the parking program report;
2. Authorizes staff to install No Parking signs along Berger Way, Galliano Way, and the portion of Cheeves Way that parallels the Niles Subdivision railroad tracks;
3. Authorizes staff to purchase one parking meter for the portion of Cheeves Way that parallels the Line M Greenway. The parking fee will be consistent with 11<sup>th</sup> Street, \$0.50 hour, Monday through Saturday, 8:00 AM to 8 PM.
4. Authorize staff to purchase two parking meters for the public parking area in the Mid Pen parking garage. The parking rate will be \$0.50 an hour.
5. Authorize staff to sell Area M Parking Permits for \$120 per calendar quarter to Mid Pen residents, staff, and retail employees.
6. Authorize staff to purchase one parking meter for Parking Lot 1.



**DATE:** MAY 24, 2011

**TO:** CITY COUNCIL

**FROM:** JOAN MALLOY, ECONOMIC AND COMMUNITY DIRECTOR

**SUBJECT:** PRESENTATION OF THE NORTHERN SILICON VALLEY PARTNERSHIP (NSVP) PROGRAM

### **DISCUSSION**

Over the past two years, staff has been spearheading a sub-regional, monthly economic development group that includes Union City, Fremont, Hayward, Newark, East Bay Economic Development Alliance (East Bay EDA) and Alameda County Workforce Investment Board (WIB), in an effort to work collaboratively to retain and attract technology based businesses and address economic challenges in the sub-region. Staff provided this presentation to the Planning Commission on May 19, 2011.

The overall vision is to market and emphasize the overarching assets and unique strengths of each individual City. This group of economic development professionals focuses on branding and developing joint marketing literature that differentiates the Union City, Fremont, Hayward and Newark sub-region from other major metropolitan areas such as Silicon Valley, San Francisco and the Peninsula.

The Northern Silicon Valley Partnership (NSVP) programs include the quarterly venture capital roundtables, an annual career strategy forum, and a business social that will be hosted twice a year. Union City will be hosting the first NSVP business social scheduled for July 28, 2011.

Most recent project accomplishments include the roll out of a new website, marketing materials, and the creation of a logo. These efforts were completed on April 18, 2011. In addition, the group is currently in the process scheduling regional speaking engagements, developing press releases, expanding economic development programs and identifying marketing channels for campaigning.

### **FISCAL IMPACT**

There is no fiscal impact created by the NSVP Program. Minor costs for the preparation of materials are covered under the existing budget for economic development.

## RECOMMENDATION

Staff recommends that the City Council receive this report and presentation on the NSVP Program and provide comments. There is no action required. The purpose is to inform the City Council of staff's efforts. Staff members in Fremont, Hayward and Newark also are presenting the Northern Silicon Valley Partnership program to their city councils this month.

Attachment: NSVP Program Powerpoint Presentation

Prepared By:

Christine Friday  
Economic Development Coordinator

Submitted By:

Joan Malloy  
Economic and Community Development Director

Approved By:

Larry Cheeves  
City Manager



# NORTHERN SILICON VALLEY

P A R T N E R S H I P

## Union City Council Presentation

May 24, 2011

HAYWARD  
UNION CITY  
FREMONT  
NEWARK



NORTHERN SILICON VALLEY  
PARTNERSHIP

## Northern Silicon Valley Partnership Discussions

- Participants
- History
- Mission
- Goals
- Target Market
- Programs
- Accomplishment
- Next Steps
- Questions

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# Participants

- Fremont
- Hayward
- Union City
- Newark
- Alameda County Workforce Investment Board
- East Bay Economic Development Alliance

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# History

- In 2009, The Northern Silicon Valley Partnership (NSVP) was formed to promote economic vitality, innovation, and employment growth.
- Over the past two years we have hosted quarterly venture capital forums, employee resource fairs, developed a website / marketing literature and are starting joint marketing efforts
- The group meets the first Wednesday of each month.

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## Mission

The NSVP has a common mission: to attract and retain business and quality jobs to the sub-regional area.

A wide variety of resources can be leveraged throughout our diverse region, all of which combined provides important elements to the NSVP strategy to support a growing hub of technology, innovation, and creativity. Together, the cities offer a robust and resource-rich environment for growing companies and job development.

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# Goals

- Attract investment and business to the NSVP sub-region
- Retain investment and business in the NSVP sub-region
- Develop the identity of the sub-region as the “Northern Silicon Valley” with companies who may not know any of the partnership cities by its name and location alone.
- Overcome the perception gap of the sub-region as an “industrial/warehousing” area
- Bring together resources from research institutions, universities and federal, state, county agencies
- Develop and market the quality of the local workforce

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# Target Markets

## Business / Groups

- Technology and science companies
- Non-tech industry / manufacturing
- Venture Capitalist's
- Developers
- Attract new resources

## Geographic Areas

- Regional
  - Silicon Valley
  - Peninsula
  - San Francisco Area
- National outreach
- Some international interest; not primary market.

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# NSVP Programs

- Quarterly Investor Roundtables
- Career / Job Resource Fairs
- Quarterly NSVP Business Socials

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# Accomplishments

- Held eight successful “Investor Roundtables”
- Hosted three “Career Strategy Forum’s”
- Implemented the branding of the “NSVP”
- Developed a NSVP website
- Created NSVP marketing materials
- New NSVP logo

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## Next Steps

- Scheduling speaking monthly engagements
- Developing a marketing campaign to commercial brokers, developers and site selection consultants
- Quarterly press releases that go out to all Bay Area media newspapers, websites, organizations, associations, etc.
- Launch presentations to each City's Council, Planning Commissions, Economic Development Commissions/Committees in May/June 2011

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# NSVP Upcoming Events

- Investor Roundtable June 1, 2011
- NSVP Business Social July 28, 2011
- Investor Roundtable September 14, 2011
- Career Strategy Forum September 15, 2011

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# Questions?

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DATE: May 24, 2011

TO: City Council

FROM: Antonio E. Acosta, Leisure Services Director

**SUBJECT: REPORT WITH RECOMMENDATIONS FROM THE PARK & RECREATION COMMISSION REGARDING PARK RENOVATION AND IMPROVEMENT PROJECTS TO BE FUNDED WITH MEASURE WW PARK BOND FUNDS**

This report is submitted by staff on behalf of the Park & Recreation Commission (PRC) to transmit the PRC's recommendations for park renovation and improvement projects to be considered for funding under the Measure WW Park Bond Program administered by the East Bay Regional Park District (EBRPD).

Also included in this report is a proposal submitted by the Save The Hills organization for an Agricultural Preserve Project, and a discussion of the Council's process options relative to defining the City's Measure WW project submittals.

### **BACKGROUND**

For over 46 years, the Park & Recreation Commission (PRC) has been charged with advising the City Council on matters pertaining to the establishment and maintenance of a comprehensive recreation program for the City of Union City and its residents (UCMC Section 2.20.010). In actual practice, this mission has included advising the Council not only on the recreation program needs of the community, but recreation facility needs, as well.

In November 2008, voters in Alameda and Contra Costa Counties approved Measure WW, the 2008 Park Bond Extension Measure sponsored by the East Bay Regional Park District (EBRPD); included in Measure WW was a series of bond fund allocations to cities, counties and special districts for projects eligible under the grant program guidelines. Union City's share of Measure WW park bond funds is \$3,354,837. Measure WW projects must be completed by December 31, 2018, and can only be submitted for review and approval to the EBRPD during the months of February and March of each calendar year.

In August, 2009 the PRC conducted a work session to discuss and study potential

projects for consideration by the City Council; this work session resulted in an informational report to the City Council on September 22, 2009 (copy, attached). The City Council accepted the informational report, and subsequently directed staff to begin developing the Liberty Park Renovation and Aquatic Facility Project (Project) for possible submission to the EBRPD as a Measure WW funded project.

Staff proceeded to develop the Project during the balance of 2009 and 2010, receiving City Council approval for negotiating a lease for Liberty Park with the Liberty Park I Homeowners Association (HOA), performing CEQA due diligence, and developing schematic plans for the Project. The Project plans became the subject of extensive discussion and generated substantial community concerns related to cost and priority. On March 22, 2011 the City Council voted against submitting an application to the EBRPD for Measure WW funding for the Project.

As a result of this Council decision, staff returned to the PRC in April and May of 2011 for a second round of discussions pertaining to potential Measure WW projects to be forwarded to the City Council for its consideration. The timing of this effort was intended to coincide with the Council's budget development calendar for the Five-Year Capital Improvement Plan (CIP) for 2011-16, for which Measure WW is an identified funding source.

## **DISCUSSION**

**PRC Project Recommendations** – in developing its project recommendations, the PRC has chosen to concentrate on projects that will directly benefit park users, both individual and groups. Most of the recommended projects may be classified as “deferred maintenance” projects such as restroom replacement, fencing repairs, irrigation system upgrades, and court resurfacing, while a few are actual new facilities such as the Veteran’s Memorial, Town Estates T-Ball Field, and the Arroyo Park Tennis Court Lights. The PRC project recommendations include the following:

- **Restroom Renovation/Replacement** – a number of existing park restrooms are in need of replacement due to age and/or repeated vandalism; these facilities can no longer be repaired economically, and have deteriorated to the point where many park users will simply not use them. Specifically, the **exterior (i.e., outside) restrooms** at the following parks have been identified as the highest priority for replacement:
  - **Seven Hills Park**
  - **Kennedy Park**
  - **Town Estates Park**
  - **Contempo Park**
  - **Cesar Chavez Park (old Alvarado)**

Cost estimates have been investigated for both modular type restrooms (i.e., pre-fabricated structures installed on a new foundation) and “traditional built” restrooms (i.e., built from scratch): modular restrooms are projected to cost approximately

\$170,000 each, and traditional built restrooms are projected to cost approximately \$220,000 each. **Depending on the specific type of construction used at each park site, the total estimated cost for this project ranges from \$850,000 to \$1,100,000.**

It should be noted that maintenance costs for these new restrooms are expected to be slightly lower than current maintenance costs due to more efficient (and newer) fixtures and improved cleaning design.

- **Town Estates Park/Kitayama School** – a number of improvement projects have been identified for this heavily used neighborhood park, including:
  - New bleachers for, and resurfacing of, the basketball court (estimated cost = \$10,000)
  - New storage sheds (2) for Kitayama ball fields (\$12,000)
  - New fencing (dugouts, backstop) for Town Estates practice ball field (\$9,000)
  - Conversion of practice ball field at Town Estates to regulation T-ball field (\$35,000)
  - Irrigation repairs and irrigation well installation for Town Estates and Kitayama facilities; drainage improvements at Kitayama ball field (\$134,000)

These facility improvements are not expected to have a significant impact on maintenance costs for either park, but will significantly improve the “playability” of existing recreation facilities, as well as provide a new T-ball field that is needed to accommodate demand for dedicated T-ball facilities (most T-ball games are currently played on practice fields). The irrigation improvements are expected to lower water consumption, generating modest cost savings that have not yet been quantified.

**The total estimated cost for all recommended improvements to Town Estates/Kitayama Parks is \$200,000.**

- **Contempo Park** – as with Town Estates/Kitayama Parks, Contempo Park is both heavily used and over 30 years old, and requires improvements in the following areas:
  - Resurfacing basketball courts (estimated cost = \$25,000)
  - New storage sheds (2) for ball fields (\$12,000)
  - Irrigation repairs and irrigation well installation (\$163,000)

The basketball and ball field improvements will not have a significant maintenance cost impact but will improve the playability and usefulness of both facilities. The irrigation improvements are expected to lower water consumption, generating modest cost savings that have not yet been quantified.

**The total estimated cost for all recommended improvements to Contempo Park is \$200,000.**

- **Veterans Memorial Park** – formerly known as Hall Ranch Park, Veterans Memorial Park is heavily used for tennis, baseball general play, and features the new Union City Veterans Memorial, which is still under development. The following improvements are

recommended for Veterans Memorial Park:

- Veterans Memorial – designed by former Council member Manny Fernandez, the new Veterans Memorial requires additional funding support for completion, primarily for pathways, lighting, seating and landscaping (estimated cost = \$100,000)
- Resurface tennis basketball and hand ball courts (\$75,000)
- Repair chain link fencing at tennis courts and ball fields (\$25,000)
- Replace Tot Lot play equipment (\$100,000)

The new Veteran’s Memorial will have a minor maintenance cost impact that may be mitigated somewhat by volunteer maintenance efforts of local veterans groups; this cost impact has not yet been quantified. The court resurfacing is not expected to have a significant maintenance cost impact. The new play equipment is expected to lower maintenance costs somewhat for several years due to the lowered need for repairs that is associated with new equipment; this impact has not yet been quantified.

**The total estimated cost for all recommended improvements to Veterans’ Memorial Park is \$300,000.**

- **Arroyo Park** – the tennis courts at Arroyo Park are used by many local tennis players, and their usefulness could be extended with the addition of new lighting, which would have to be designed to minimize any adverse impact on neighboring residences. The total cost for installing lighting is estimated at \$65,000, and a minor additional utility cost impact is expected, but has not yet been quantified.

**The total estimated cost for the recommended lighting improvements to Arroyo Park is \$65,000.**

**Save Our Hills Proposal** – in addition to finalizing its Measure WW project recommendations for the City Council, the PRC heard a proposal from the Save Our Hills (SOH) organization to utilize Measure WW funds for the acquisition of a portion (5-10 acres) of the Masonic Homes Flatland property located adjacent to the Dry Creek Cottage and Gardens located off Mission Blvd. and Whipple (May) Road. The SOH proposal calls for land-banking the property in the short term, and then developing an Agricultural Park and Open Space gateway in the longer term.

Staff responded to the SOH proposal by noting that such an acquisition, while consistent with the Measure WW grant program, would require a conversation with the Masonic Homes that has not yet occurred. Staff also noted that if the Masonic Homes was not interested in the sale of part of its property for this purpose, the City would be placed in the position of having to condemn the property; such a condemnation would be expensive and would almost certainly harm the positive relationship that has developed for many years between the City and the Masonic Homes of California. In addition, land banking would not create any tangible public benefit for Union City residents, until further development took place. Finally, staff expressed concern that the cost of the requested land acquisition could exceed the amount of available

Measure WW funds.

After extensive discussion, the PRC voted to give the STH proposal long-term consideration if it were proved to be feasible, and if adequate funds were identified after the implementation of the recommended projects listed above.

### **OTHER CONSIDERATIONS**

The following section of this report is submitted by City staff in order to provide the City Council with additional considerations that are not part of the PRC recommendations, but that should be considered by the City Council prior to finalizing its direction to staff for Measure WW project submittals.

#### **Ad Hoc Community Task Force – Decoto Area Family & Youth Resource Center**

Last year, the City Council approved the formation of an ad hoc task force to study the potential for creating a Decoto Area Family & Youth Resource Center. The Task Force submitted a report to the City Council on August 24, 2010 (copy, attached). In the interest of conserving paper, this report will not repeat the contents of the Task Force report, but simply note that Measure WW funds could be allocated to making improvements to existing facilities such as the William May Teen Center (located in Kennedy Park) and the Kennedy Community Center, and that this approach was recommended by the Task Force if funding to construct brand new facility (minimum estimated cost = \$10 million, but could cost up to \$30 million, depending on size and scope of facilities) could not be identified.

#### **Liberty Park Aquatic Facility**

Although the City Council voted to not submit a Measure WW grant request for this project in March of this year, the denial was couched in conditional terms (i.e., “not at this time”). If the Council wishes to keep this project under consideration, it should be noted that allocating funds to other projects under Measure WW at this time would effectively preclude further development of this project until new funding could be identified, since the Liberty Park Aquatic Facility project is estimated at costing approximately \$3 million.

#### **Process Options – More Community Input**

Because there are several project considerations that were not recommended by the PRC, and in light of the fact that the PRC recommendations do not exhaust all available Measure WW funds allocated to Union City, the Council may wish to consider **extending or deferring the Measure WW project identification decision-making process so that additional community input can be obtained and forwarded to the City Council**. Such a process might also generate additional project proposals that have not yet been identified or considered, and would allow staff more time to fine tune construction and maintenance cost estimates for the various project alternatives. Such a process could be allocated six months to complete, which would leave adequate time to finalize a project list and prepare a grant application

submittal to the EBRPD by March 31, 2012.

### **FISCAL IMPACT**

The total estimated costs associated with the recommended park improvements ranges from **\$1.55 million to \$1.8 million**, depending upon the type of restroom construction that is selected for the five sites described above; these costs thus represent an estimated 44.7 to 53.8% of union City's total Measure WW allocation. Actual construction costs may be lower due to the current bidding climate, which is the result of a severe recession in the bay Area's construction industry. On the other hand, if these recommended projects are deferred for a year or longer, the local construction climate may improve and project construction costs may rise.

The most significant General Fund impact associated with the proposed projects, or any other projects that may be submitted to the EBRPD for Measure WW funding, will be the **maintenance cost impacts** of each project. In the absence of specific direction from the City Council regarding such projects, staff has not yet prepared such a detailed maintenance cost impact analysis for these projects, but it can be stated generally that many of the "deferred maintenance" projects recommended by the PRC will have a neutral or positive fiscal impact, as they will result in more efficient lighting, irrigation, or restroom facilities that replace older, inefficient, and more costly to maintain facilities. Projects that would increase City maintenance expenses include the Arroyo Tennis Court Lighting, the Town Estates T-Ball Field Project, and the Veteran's Memorial, all of which would result in increased maintenance costs for new facilities (that could be partially offset by user fees).

**Staff recommends that once the Council has finalized the "Measure WW Project list", staff will prepare a detailed maintenance cost impact analysis for each project for Council consideration prior to approving the actual submission of the project(s) to the EBRPD for approval.**

### **RECOMMENDATION**

Staff recommends that the City Council accept this report from the Park & Recreation Commission regarding potential Measure WW funded park renovation and improvement projects and provide staff with direction on

- Projects to submit for EBRPD approval in February 2012,
- Projects to be budgeted in the Five-Year Capital Plan for next fiscal year or succeeding years; and/or
- Possible additional community review process to expand and/or finalize the City's Measure WW project submittal list for 2012 (or beyond).

Prepared and Submitted by:  
Antonio E. Acosta  
Leisure Services Director

Approved by:  
Larry Cheeves  
City Manager



DATE: September 22, 2009

TO: City Council

FROM: Antonio E. Acosta, Leisure Services Director

SUBJECT: **A REPORT FROM THE PARKS & RECREATION COMMISSION REGARDING POTENTIAL USES FOR MEASURE WW (2008 EAST BAY REGIONAL PARKS DISTRICT BOND MEASURE) IN THE CITY OF UNION CITY (INFORMATION ONLY)**

This informational report is transmitted to the City Council from the Parks & Recreation Commission and contains suggestions and concepts for the City Council to consider as it determines the City of Union City's priorities for spending its \$3.35 million allocation from Measure WW - the 2008 East Bay Regional Parks (EBRPD) Park Bond.

### **BACKGROUND**

Measure WW was approved by the voters of Alameda and Contra Costa Counties in November 2008 and provides \$250,000,000 for park acquisition, development and renovation use throughout the EBRPD. Union City's allocation under Measure WW is approximately \$3.35 million.

In accordance with Measure WW procedures adopted by the EBRPD, the City has executed an agreement with the EBRPD to access its allocation, and must now identify specific projects for submission to the EBRPD in order to receive authorization to use its allocation. The annual project application window is February and March of each calendar year, leaving the City with approximately six (6) months to identify project(s), conduct required CEQA review, and prepare the required application prior to the next application deadline of March 31, 2010. Applications may be submitted by cities under Measure WW until the year 2018, and all projects must be completed by December 31, 2018, so there is no rush to submit application(s). Nevertheless, it is probably wise to apply early in the Measure WW program in order to avoid deadline constraints later on.

### **DISCUSSION**

On August 12, 2009 the PRC conducted a Work Session on Measure WW priorities. A spirited and wide-ranging discussion by the PRC resulted in a list of considerations for potential City Council spending priorities, but no specific recommendations. Staff has organized these considerations for ease of review and discussion.

The following projects and/or concepts are provided by the PRC for the City Council's consideration, and are presented in alphabetical order:

**Ballfield/Court renovation** – renovate ballfields at Town Estate and San Andreas Parks; upgrade basketball court at Arroyo Park.

**Estimated costs:** TBD.

**Challenges:** none.

**Barnard-White Middle School Sports Fields & Track** – acquisition (or long-term lease) and improvement of the track, football field and adjacent baseball diamond at BWMS, closed in July 2009 and currently being evaluated for long-term re-use by the New Haven Unified School District. Improvements could include basic turf renovation, irrigation system improvements, new track surfacing, field event pit installation, all weather field turf, baseball infield developments, backstop and dugout installation.

**Estimated costs:** \$250,000 to \$3 million, depending on extent of improvements.

**Challenge(s):** site control; operating and maintenance costs (could range from \$25-50,000 per year or more)

**Barnard-White Middle School Gymnasium** – acquisition (or long-term lease) and improvement of the existing gymnasium at BWMS, including flooring, lighting, bleachers, fixtures, appurtenant facilities (showers, locker rooms, restrooms), and possible development of weight room.

**Estimated costs:** TBD

**Challenge(s):** site control; operating and maintenance costs (could range from \$25-50,000 per year or more)

**BMX Facility Development** – develop BMX (racing bicycle) facility, or possibly convert skate park to BMX facility.

**Estimated costs:** TBD

**Challenge(s):** substantial controversy will result from proposal to convert skate park to another use.

**Cann Memorial Civic Center Park Pathway Renovation** – reconstruction of paths throughout Cann Memorial Civic Center Park.

**Estimated costs:** TBD

**Challenge(s):** none

**Community Garden on West Side of UC** – development of a community garden on the west side of Union City, to enable gardeners west of the freeway to more easily access a full feature community garden.

**Estimated costs:** TBD

**Challenge(s):** identifying and acquiring a site. Staff is exploring the feasibility of a community garden on the former EBRPD stable area behind Fire Station #4 on the north bank of the Alameda Creek Flood Control Channel.

**Dog Park on West Side of UC** – development of a new dog park similar to Drigon Dog Park on the west side of Union City, to enable dog owners west of the freeway to more easily access a full feature dog park.

**Estimated costs:** TBD

**Challenge(s):** identifying and possibly acquiring an appropriate location.

**Facility Solarization/Recycling Savings into New Facilities** – install solar panels at existing community centers and utilize annual cost savings to fund additional park projects.

**Estimated costs:** TBD

**Challenges:** integrating solar panels into existing facility roof design; variability of annual cost savings (weather and utility costs fluctuate)

**General Park Pathway Renovation** – reconstruction of paths throughout all Union City parks.

**Estimated costs:** TBD

**Challenge(s):** none

**Irrigation System Improvements** – renovate and replace irrigation systems to minimize energy and water usage; computerize all irrigation systems using sensor technology.

**Estimated costs:** TBD

**Challenges:** none

**Restroom Renovation/Replacement** – replace or renovate public restrooms in Kennedy, 7 Hills, Old Alvarado, and Contempo Parks. Opportunity to install energy and water efficient fixtures and solar power.

**Estimated costs:** TBD. Could range from \$100-150,000 per facility (more for solar).

**Challenges:** none.

**Sports Center Aquatic Facility(ies)** – acquire necessary land and construct lap swim and/or therapeutic aquatic facilities adjacent to the Union City Sports Center on land currently used for a portion of Liberty Park.

**Estimated costs:** \$500-600,000 acquisition; \$2.7-4.7 million design and construction (depending on extent of improvements)

**Challenges(s):** acquisition from possibly unwilling seller; project cost versus available funding; operating costs estimated at \$0-100,000 per year, depending on facility built.

**Turk Island Landfill Development** – develop paths, trails and lookout features on reclaimed landfill.

**Estimated costs:** TBD. May be funded through agreement with property owner (in return for development of adjacent former landfill area).

**Challenge(s):** site control; environmental regulations

## **FISCAL IMPACT**

None.

**RECOMMENDATION**

Staff recommends that the City Council accept this informational report from the Park & Recreation Commission regarding potential uses for Measure WW (2008 East Bay Regional Parks District Bond Measure) in the City of Union City.

Submitted by:

Antonio E. Acosta  
Leisure Services Director

Approved by:

Larry Cheeves  
City Manager



## Agenda Item

**DATE:** August 24, 2010

**TO** City Council

**FROM** Antonio E. Acosta, Deputy City Manager

**SUBJECT** REPORT AND RECOMMENDATIONS OF THE AD HOC  
COMMUNITY TASK FORCE FOR A DECOTO AREA FAMILY &  
YOUTH RESOURCE CENTER

This report is submitted by the ad hoc Decoto Family & Youth Resource Center Task Force, created by Council action on January 26, 2010 and charged with the responsibility to develop and report back to the City Council with recommendations for such a facility and program. The Task Force recommends that the City Council accept this report, and provide direction to staff on next steps to be taken in conjunction with the recommendations made by the Task Force.

### **BACKGROUND**

At the regular City Council meeting of January 26, 2010 the City Council approved the formation of an Ad Hoc Task Force to investigate, discuss and prepare recommendations related to the creation of a Decoto Area Family & Youth Resource Center. The Task Force was subsequently formed with representatives from the City Council (Vice Mayor Valle and Councilmember Dutra-Vernaci), the New Haven Unified School District Board of Trustees (trustees Michelle Matthews and Kevin Harper), and a variety of Commission and community organizations; a complete roster of the Task Force is shown in Attachment A. Due to scheduling conflicts, Councilmember Dutra-Vernaci was replaced by Councilmember Manny Fernandez, who co-chaired the Task Force with Vice Mayor Valle. Youth participation in the Task Force was significant, with twenty-eight (28) young people attending one or more meetings.

The Task Force met a total of five (5) times on alternate Mondays during the months of February – May, with the youth meeting after school at 4pm and the adult Task Force meeting at 530pm; the outcomes of each “early” youth session were reported out at each “later” Task Force meeting. In addition, two facility tours were conducted of youth centers in San Francisco:

- Excelsior Boys & Girls Club, located in the Outer Mission district of San Francisco;
- Berkeley Youth Alternatives, located in a primarily residential area of West Berkeley;

- The Youth Uprising facility, located adjacent to Castlemont High School in East Oakland; and
- The San Leandro Boys & Girls Club, located near the San Leandro BART station.

These facilities provided valuable information that is summarized later in this report (see below).

## **DISCUSSION**

The combination of Task Force meetings and Facility Tours yielded an extensive amount of feedback from youth and the staff at the facilities toured by the Task Force. This feedback is organized for the purposes of this report into three general categories:

- Community (youth) needs to be incorporated into a Decoto Family & Youth Resource Center
- Feedback from other youth facilities toured by the Task Force
- Issues to be clarified and next steps, including
  - Type of facility/program desired (i.e., centralized “one stop shop” versus decentralized network)
  - Approach to developing the facility (building something new, replacing something old, or adaptive re-use of existing facilities)
  - Location option
  - Costs and financing strategies and options for both construction and operation.

### **Community Needs – The Youth Perspective.**

A series of conversations was conducted with a number of youth from the Decoto neighborhood and Logan High School. Initial brainstorming sessions were followed by a prioritization session that yielded the following responses, which are prioritized and divided into two areas: facility feedback, and Program/Operations feedback.

**Facility Feedback:** the youth were in general agreement that the Center should provide a variety of facilities that would enable youth (and their families) to engage in a wide variety of activities and services:

#### Highest Priority:

- Game Room
- Outdoor Sports Fields (football/soccer)
- Café (w/ Patio Eating Area)(Coffee!)
- Computer Room
- Swimming Pool (Indoor) (Lockers & Showers)
- Health Clinic (also listed under Services)(Exam Room(s))
- Store (also under Services)
- Performing Arts Space (theater, multi-purpose)

#### Medium Priority:

- Quiet Room

- Mural/tagging Wall
- Security System/Check-in Counter (no unrestricted walk-ins)
- Security/lockers (for scooters & skateboards & backpacks)
- Indoor Sports Space (Gymnasium)(Bleachers)(Climbing Wall)

Lower priority:

- Hot tub
- Fruit/Vegetable Garden (produce to farmers market and café)
- Bus Stop(s) nearby
- Suggestion Box

Additional Ideas:

- Digital Arts Studios
- Recording Studios
- Playground for young children
- Lounge
- WiFi throughout Center

**Program/Services Feedback:** young people were also interested in the following services and/or programs to be featured in the new Center:

Highest Priority:

- Centralized Case Management (w/referrals for services as required)
- Membership System, mandatory membership required to access Center (intake process)(rewards/sanctions)
- Health Services, including Physical, Mental, and Family services
- Credits System (youth work in Center for credits; spend them in store and café)

Medium Priority:

- Posted (Set) Operating Hours
- Educational Support (Tutoring, College Prep counseling, languages)

Additional ideas:

- Childcare
- Employment Services (job search, placement, readiness)
- Cultural Activities
- Local Business Forums
- Volunteer Clearinghouse
- Conflict Resolution Classes
- Gang Awareness Classes
- Progressive programming
- Age-group programming

*The Task Force recommends that future facility and program design processes incorporate this feedback, along with additional community feedback.*

**What Others Are Doing – Facility Tour Perspectives.**

As noted previously, Task Force members participated in two tours that provided valuable information and ideas that should be considered as the City proceeds with the recommended Next Steps to develop a Family & Youth Resource Center in the Decoto neighborhood. A brief summary of each facility toured and the major things learned from each facility is provided below.

**Excelsior Boys & Girls Club** – Built by City of San Francisco on School District property; operated by Boys & Girls Club. **Membership required (nominal annual fee).** Broad range of activities for youth, including indoor (Gymnasium) and outdoor (asphalt yard) sports & recreation, art, music, computers, recording studio, and teen room. A “classic model” youth recreation center with an ethnically diverse staff and clientele. Annual operating budget in excess of \$500,000 annually, funded by B&GC.

**Berkeley Youth Alternatives** – adaptive re-use of former industrial building purchased and operated by an independent Non-Profit Organization for over 35 years; originally formed as Berkeley Runaway House (Telegraph Avenue), expanding to provide many additional social services for youth. Facilities built with multiple funding sources, including public and private funds. Broad range of activities and services, including indoor sports and fitness (gymnasium), arts, music, computers, homework center, career development center, and teen center. **Large food and flower garden with integrated programs (Garden Patch); produce served at center and donated to community. Very extensive health services provided, including mental health counseling.** Operating funding largely from government sources (local, state and federal); operating budget estimated at over \$1 million annually.

**San Leandro Boys & Girls Club** – city’s first and largest youth center; in operation for over 50 years. Built in late 1950’s with private funding on a City park. “Classic” youth center program model, focusing on recreation programs; gymnasium, after school educational support, computer room, Teen room, swimming pool (no longer operated by B&GC, but still in operation as municipal pool), and a small garden. Operating budget unknown, but estimated at about \$250,000 per year; multiple funding sources, both public and private.

**Youth Uprising** – the most innovation facility toured, especially in terms of governance and programming. Innovative, art-infused adaptive re-use of former County Health Clinic (was originally a supermarket); construction funded largely by City of Oakland, Alameda County and grants. **Youth governance model that directly incorporates youth input into programs and services.** Membership required; intake and case management provided. **Youth-managed café/coffee shop.** Extensive youth and community programs and services, including **Youth Leadership & Community Building, Media Arts** (commercial quality music, video, web and graphic arts), music studios, extensive dance programs, Material Arts (ceramics and graphic arts), Health & Wellness (physical, mental, non-clinical case management), Career & Education (GED, tutoring, job training, College Prep, local business forums). **County Health Clinic co-**

**located next to Center.** Oriented to high-school and young adult service population (i.e., not small children). Multi-million dollar annual operating budget (over \$5 million) funded through extensive consortium of public and private agencies. Extraordinary and charismatic Facility Director with a very strong Board of Directors.

In summary, the Task Force learned a great deal about the various facility and programming options available for consideration, and was particularly impressed with the governance and programming model developed and maintained by the Youth Uprising Center.

***The Task Force recommends that the City consider and incorporate facility, governance, and programming ideas from the centers described above, with particular focus on the Youth Uprising model that has been successfully implemented in East Oakland.***

### **Key Issue #1 – What Development Model Should We Use?**

Prior to embarking on Next Steps, it is important to reach a community consensus on the basic approach that will be used to guide. Basically, three options exist, and two have been used successfully in the Bay Area to develop Youth Centers:

- **Build a New Center (from the ground up)** – this approach is the most expensive approach, as it can involve land acquisition and construction costs. Using a \$400-500/sf development cost guideline, a modest-size (20,000 sf) Youth Center would cost around \$8-10 million to build on land (at least 1.5 acres) that would most likely cost at least \$1 million per acre to acquire. Parking requirements would be balanced against proximity to clientele (i.e., is the Center within walking distance?) and public transit. This is why local Youth Centers have been built on public lands (City, County or School District), thus avoiding land acquisition costs, and why proximity and access to public transportation are such critical factors in facility location.

In order to provide outdoor recreation facilities, additional land acreage is required. For a baseball diamond, two (2) acres are required; for a football/soccer field, three (3) acres are required, and adding a running track to the football/soccer field adds an additional acre. The use of synthetic turf can allow acreages to be reduced through the design of multi-purpose sports fields. With vacant land at a premium in Union City, providing such facilities will tend to steer facility location toward existing school or park sites that either already have such facilities, or that have the room to construct them.

The major advantage of building a new facility is that it can be designed to create spaces that will support the desired programs and services without the compromises that adapting an existing facility can require. New facilities can also be adapted to their sites better than most adaptive re-uses, and can incorporate public art and green building standards more extensively than most adaptive re-use sites.

It should also be noted that new facilities can be designed and located to replace existing facilities through demolition of the old facility and replacement with a new one.

Construction costs may be slightly lower for such projects, since utilities, parking facilities, and other amenities may already be in place.

- **Adapt an Existing Facility** – if funding is scarce, adaptive re-use of an existing facility can be chosen to stretch limited construction dollars. Two of the facilities toured by the Task Force have used this approach successfully. Development costs can be halved in many cases, depending on the extent of the adaptation, resulting in much lower development budget requirements (e.g., adding a second story to an existing building can be almost as expensive as building a two-story building from scratch). Property acquisition is not a factor, but limitations in facility design will be imposed by the size and shape of the existing facility.
- **Use a Decentralized Facility Model** – a third option might be to use several existing sites to provide programs and services in a decentralized manner. This approach has the obvious disadvantage of requiring client (youth) to use multiple sites for programs and services instead of having everything available at a single site (“one-stop shopping”). On the other hand, this approach can maximize the use of existing facilities and require less capital funding to develop facilities for the Center. Union City Leisure Services has used this approach in the Decoto neighborhood, with youth programs and facilities located at the Kennedy Community Center, William May Teen Center, Teen Workshop (Mission Blvd.) and now, at the 10<sup>th</sup> Street Center (interim use of former Fire Station #3). Multiple location Youth Centers have been successfully developed in high-density urban centers, but are less common in suburban cities like Union City. If funding limitations preclude development of a One Stop Center, then this approach might be viewed as a feasible alternative.

*The Task Force recommends that the City plan for a new facility using a mid to long-term (3-10 year) planning horizon, while pursuing adaptive re-use of existing facilities to begin coordinated service delivery in the short term (1-3 years). Adaptive re-use principles should be applied to the Kennedy Community Center, William May Teen Center, Teen Workshop, and (if possible), to the Barnard-White Middle School campus. In the case of BWMS, only interim uses should be considered, until the New Haven School District finalizes its plans for restoring a middle school to the campus.*

### **Key Issue #2 – Where Should the Center be Located?**

A variety of options exist for locating the proposed Center, including (listed in alphabetical order):

- **Barnard-White Middle School Site** – the former BWMS site offers a full range of outdoor and indoor recreation and sports facilities (gymnasium, outdoor basketball courts, football field, track, and baseball diamond), along with classrooms adjacent to the gym that could be adapted for Youth Center programs and services. This option will require the approval of the New Haven Unified School District, and will also have to be consistent with community and District plans for the site (i.e., a replacement school of

undetermined size). Most, if not all, of the recreational facilities would have to be managed under Joint Use principles, with school students using them during school hours. Interim uses could also be initiated at the BWEMS campus while the planning and design process for the new Decoto Family & Youth Resource Center is being completed. This site's location is on the northern edge of the Decoto neighborhood, and would require a good walk for access by Logan students and other youth living below H Street.

- **City Opportunity Site on Mission Blvd** – a second potential site is the city block that has been acquired by the Union City Community Redevelopment Agency for Mixed Use Development (i.e., commercial and residential). This site has adequate room to construct both a Center and limited-size sports fields, but using it for the Center will preclude its use as an economic development site that would provide badly needed tax revenues to the City. Its location on the eastern edge of the Decoto neighborhood would result in a good walk for youth at Logan or living west of 10<sup>th</sup> Street.
- **Kennedy Park** – Kennedy Park is home to both the Kennedy Community Center (built in the early 1970's) and the William May Teen Center (an adapted single family residence). The park could be "re-master planned" to provide for the Center, while sports fields are located nearby on the Logan campus. Its location adjacent to Logan would facilitate its use by teens during the school year, but would require a good walk for youth living east of 6<sup>th</sup> Street and north of E Street.
- **New Haven Adult School (former Decoto Elementary School)** – this site has the advantage of both existing facilities and the most central location in the Decoto neighborhood (the block between 6<sup>th</sup> and 8<sup>th</sup>, and G and H Streets). Adaptive reuse planning would be complicated at this site, however, due to the existing site uses by the Adult School and Kidango (for early child care and development); these uses would have to be re-located to other locations in the neighborhood. Space for sports fields will also be limited, unless existing parking areas are eliminated.
- **Masonic Home Property** – although the recent development plan put forth by the Masonic Homes of California did not proceed to implementation, the largest remaining developable flatland open space in Union City remains a potential opportunity site of the Center, if it were incorporated into future development plans. This option will remain hypothetical until the Masonic Homes of California decide to develop their flatland parcels.

***The Task Force recommends that the City designate Kennedy Park as the preferred location for the Center, with the City Opportunity Site as the back-up location, in the event the Kennedy Park option is not viable. The City should initiate a Master Plan Process for Kennedy Park that includes extensive community input, and that provides for the Center (perhaps as a replacement for the existing, outdated Community Center building), as well as other features designed to meet community needs. The Task Force also recommends that the Center extend its presence to the BWMS campus (when opened) for referrals and preliminary intake, as well as program awareness.***

**Key Issue #3 = How Will We Pay for The Center and its Programs?**

By far the most challenging issue will be to identify funding sources for the development and operation of the Center. Although the range of potential funding sources is broad, the current severe economic recession has adversely impacted many of them. A quick rundown of development funding sources includes

- Developer fees (none currently available; requires future development to occur)
- Grants, State and Federal (available, but highly competitive, and local match requirements can be a problem)
- Redevelopment Funds (serious legal limitations and unavailable currently due to State take-aways)
- Grants, Private (also available, but hindered by investment losses experienced by many foundations)
- Community Facility Bonds (not attempted by Union City since early 1990's, but successfully used by School District since then)

Of these potential funding sources, the best short term options would be to pursue grants; the best long term option might be to consider a future Community Facility Bond Measure that could also address Union City's need for a new Library and Public Safety/Emergency Operations Center.

Operating the Center will also be a challenge, as the potential budget requirements for the Center could range from a low of \$250,000 per year to over \$1 million per year. Operating costs can be reduced by utilizing existing service providers and staff to provide Center's programs and services, but this approach will be unlikely to provide all of the funding required to successfully manage and operate the Center. Potential funding sources for the Center include:

- City Budget Funds (not currently available due to structural budget deficits)
- County Funds (especially for health and juvenile justice programs)
- State Funds (also available for a wide range of health and juvenile justice programs, but impacted by the State budget crisis)
- Federal Funds (available, but highly competitive and bureaucratic to obtain and utilize)
- Private funds (grants are available, but are highly competitive and limited in duration)
- User fees (unlikely, due to income demographics)

The City will have to be aggressive and creative in developing an operating funding plan that incorporates as many of these funding sources as possible.

***The Task Force recommends that the City and community stakeholders begin laying the foundation for a future Union City Facilities Bond Measure, using a mid-term (3-5 year) planning horizon. In the meantime, the Task Force recommends that the City continue consolidating and providing increased services to the community, building upon the ground work already provided by the Youth & Family Services Division, and funded by partnerships with other agencies and grants (both governmental and philanthropic).***

## **NEXT STEPS**

Recognizing that it is important not to lose the momentum generated by the Task Force, a specific and achievable Action Plan should be developed to continue the process of scoping, locating, designing, constructing and operating the proposed Center,

*The Task Force therefore recommends that the City Council authorize the creation of a formal Decoto Area Family & Youth Resource Center Task Force comprised of Public Agency, NPO and community stakeholders (especially youth), to accomplish the following tasks:*

- 1. Complete the scoping process for the Center, including specific recommendations for
  - a. Facility features*
  - b. Programs and services*
  - c. Facility Governance model (who runs it, and how)*
  - d. Partner agencies and organizations*
  - e. Funding sources**
- 2. Involve the entire community in the scoping process*
- 3. Complete the scoping process by December 31, 2010*
- 4. Initiate a Master Planning process for Kennedy Park, with City staff and community stakeholders developing a time line and process map by October 31, 2010*
- 5. Develop specific recommendations for development funding by March 1, 2011*
- 6. Develop specific recommendations for operational funding by March 1, 2011*

## **FISCAL IMPACT**

There is no direct fiscal impact associated with this report, although there are a number of potentially significant fiscal impacts associated with the development of a Decoto Family & Youth Resource Center. These impacts may be summarized as follows:

- Developing and funding a Master Planning Process for Kennedy Park;
- Developing a funding strategy and program for capital developments costs (i.e., building the Center); and
- Developing a funding strategy and program to operate the facility (merging existing programs and services with new ones).

## **RECOMMENDATION**

Staff recommends that the City Council:

- Accept this informational report,
- Provide direction to staff on next steps, as discussed in this report.

Prepared by:  
Decoto Area Family & Youth  
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Submitted by:

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