

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

**TUESDAY, MARCH 22, 2011  
7:00 PM**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

Mayor Green called the meeting to order at 7:00 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

Mayor Green announced Vice Mayor Navarro may be required to exit the Council Chambers from time-to-time.

*Mayor Green announced the need to **add an urgency item** to the meeting agenda. It was moved by Vice Mayor Navarro, seconded by Councilmember Duncan, to add **City Manager Report Item 7.d** to adopt separate resolutions authorizing the execution of an agreement between the Community Redevelopment Agency of the City of Union City and the City of Union City regarding the loan of funds from the Agency's Project Fund to the Agency's Housing Fund and the replenishment of the Project Fund with the proceeds of bonds. **Motion carried unanimously.***

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

3.a Resolution in Support of 100% Smoke-free Indoor Workplaces in California

Mayor Green read the resolution aloud and presented it to Serena Chen, representing the American Lung Association, and Janice Louie with the Tobacco Control Program, Alameda County Public Health Department. Councilmembers were presented with a Tobacco Control Report Card for Union City indicating a grade of "A", the top grade in the County for smoke-free outdoor air, smoke-free housing, and reduced tobacco sales.

3.b Proclamation Recognizing March 2011 as "Knights of Columbus Month" in the City of Union City

Mayor Green read the proclamation aloud (revised to include Saint Anne, Saint Edward, and Our Lady of the Rosary) and presented it to representatives of the Saint Anne, Saint Edward and Our Lady of the Rosary Council' of the Knights of Columbus.

#### IV. ORAL COMMUNICATIONS

Union City Recycling Coordinator Roberto Munoz provided information about the upcoming annual Compost Giveaway Day at Tri-CED Recycling on April 9, 2011, and an Earth Day event on April 23, 2011, at Washington Hospital in Fremont.

Richard Valle and Charmaine Kawaguchi provided a brief update regarding the New Haven Unified School District's Measure B.

#### 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 Calendar items 5.a through 5.e, 5.g, 5.h, and 5.i as recommended by staff. Motion carried unanimously.

- 5.a Waived Further Reading of Proposed Ordinance (This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance)
- 5.b Approved Minutes for the Special and Regular Meetings of February 22, 2011
- 5.c Approved Minutes for the Special Meeting of March 5, 2011
- 5.d Approved Minutes for the Special and Regular Meetings of March 8, 2011
- 5.e Adopted **Resolution No. 4125-11** Canceling the Regularly Scheduled City Council Meeting of August 9, 2011
- 5.g Adopted **Resolution No. 4126-11** Authorizing the Environmental Programs Division of the Economic and Community Development Department to Apply for an Electronic Reporting Grant from the California Environmental Protection Agency (Cal/EPA) for Implementation of an Electronic Reporting System
- 5.h Adopted **Resolution No. 4127-11** Authorizing the Sale or Auction or Recycling of Inoperable and Obsolete Police Department Interview Video Recording Equipment
- 5.i Adopted **Resolution No. 4128-11** to Approve and Appropriate Funds Awarded by the Federal Transit Administration (FTA) Capital Program as Programmed by the Metropolitan Transportation Commission (MTC) for the Construction of a Union City Corporation Yard Concrete Transit Bus Parking Pad, (City Improvement Project No. 09-17)

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

- 5.f Adopt a City Resolution Authorizing a Cooperative Agreement – BART Phase 2, by and among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase 2 Project; Adopt an Agency Resolution Authorizing a Cooperative Agreement – BART Phase 2, by and among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase 2 Project

Mayor Green commented on the excessive fees being charged by BART for their oversight of the project. Staff responded to questions from Councilmembers. City Manager Cheeves provided a status update regarding the State's efforts to abolish redevelopment agencies.

It was moved by Mayor/Chair Green, seconded by Council/Agency Member Ellis, to adopt City **Resolution No. 4129-11** Authorizing a Cooperative Agreement -- Phase 2, by and among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase 2 Project; and, Adopt **RDA Resolution No. 438-11** Authorizing a Cooperative Agreement -- Phase 2, by and among the City of Union City, Community Redevelopment Agency of the City of Union City, and the San Francisco Bay Area Rapid Transit District for the Implementation of the Union City Intermodal Station District Phase 2 Project. Motion carried unanimously.

## VI. PUBLIC HEARINGS

- 6.a Conduct a Public Hearing and Adopt a Resolution for the Use of \$100,000 of Grant Funds from the State of California, Citizens Option for Public Safety (COPS) program and Accept and Appropriate said Funds for the Purchase of Area-wide P25 Compliant Handheld Radios

Police Chief Stewart presented the staff report and responded to questions from Councilmembers.

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

It was moved by Vice Mayor Navarro, seconded by Councilmember Gacoscos, to adopt **Resolution No. 4130-11** Accepting and Appropriating the 2010-2011 State of California Citizens Option for Public Safety (COPS) Grant. Motion carried unanimously.

## VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Authorizing Staff to Submit a Grant Application to the East Bay Regional Park District for Measure WW Funds for the Proposed Sports Center Aquatic Facility and Liberty Park Renovation Project located at 31224 Union City Boulevard and Liberty Park on Amy Place

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. A representative from consultant Field Paoli Architects presented additional concept options for the Sports Center, and responded to questions from Councilmembers. Deputy City Manager Acosta stated staff's recommendation was for Design Option B, as described in the staff report.

The following individuals expressed opposition to the proposed Sports Center Aquatic facility:

Mark Spindler	Robin Young	Charmaine Kawaguchi
Gertrude Corchero	Ernest Anaya	Lance Nishimira
Laurie Poe	Rebecca Spindler	Susie Garcia
Mary Schlarb	Michael Ritchie	Elizabeth Ames
Steve Soderstrom		

Manny Fernandez stated funding was needed to complete the Veteran's Park project.

Martin Munoz expressed support for the proposed Sports Center Aquatic facility.

Councilmembers provided comment.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt a Resolution Authorizing and Approving an Application to the East Bay Regional Park District in the Amount of Three Million, Three Hundred Fifty Four Thousand Eight Hundred and Thirty-Seven Dollars (\$3,354,837) for the Sports Center Aquatic Facility/Liberty Park Renovation Project to be Funded by Measure WW Park Bond Funds, Including an Aquatic Facility, Parking Facilities, and Upgraded Children's Play Area and Picnic Area.

Ayes: Vice Mayor Navarro, Mayor Green  
Noes: Councilmembers Duncan, Ellis and Gacoscos  
Absent: None  
Abstain: None

- 7.b Adopt a City Resolution Endorsing the Union City Intermodal Station Alternative for the Altamont Corridor Rail Project and Authorizing Comments on the Preliminary Alternatives Analysis

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

Barry Ferrier expressed support for the proposed resolution.

It was moved by Councilmember Duncan, seconded by Councilmember Ellis, to adopt **Resolution No. 4131-11** Endorsing the Union City Intermodal Station Alternative for the Altamont Corridor Rail Project and Authorizing Comments on the Preliminary Alternatives Analysis. Motion carried unanimously.

- 7.c Adopt a Resolution Appointing Community Members to the Measure AA Sales Tax Oversight Committee and Define the Scope of the Committee's Responsibilities

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

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to adopt **Resolution No. 4132-11** Appointing the following three (3) Community Members to the Measure AA Sales Tax Oversight Committee: Carol Dutra-Vernaci, Harpal Mann, and Richard Valle. Motion carried unanimously.

- 7.d ***Urgency Item added to the agenda:*** Adopt Separate Resolutions Authorizing the Execution of an Agreement Between the Community Redevelopment Agency of the City of Union City and the City of Union City Regarding the Loan of Funds From the Agency's Project Fund to the Agency's Housing Fund and the Replenishment of the Project Fund with the Proceeds of Bonds

A staff report was distributed, and Economic & Community Development Director presented information regarding an agreement for the loan of funds from the Agency's

Project Fund to the Agency's Housing Fund and the replenishment of the Project Fund with the proceeds of bonds. Councilmembers provided comment.

It was moved by Councilmember Gacoscos, seconded by Councilmember Duncan, to adopt **Resolution No. 4133-11** Authorizing the Execution of an Agreement with the Community Redevelopment Agency of the city of Union City Regarding the Loan of Funds from the Agency's Project Fund to the Agency's Housing Fund and the Replenishment of the Project Fund with the Proceeds of Bonds. Motion carried unanimously.

It was moved by Councilmember Ellis, seconded by Councilmember Gacoscos, to adopt **RDA Resolution No. 439-11** Authorizing the Execution of an Agreement with the City of Union City Regarding the Loan of Funds from the Agency's Project Fund to the Agency's Housing Fund and the Replenishment of the Project Fund with the Proceeds of Bonds. Motion carried unanimously.

**VIII. REDEVELOPMENT AGENCY - None**

**IX. AUTHORITIES AND AGENCIES - None**

**X. CITY COMMISSION/COMMITTEE REPORTS - None**

**XI. SECOND ORAL COMMUNICATIONS**

John Repar concurred with Mr. Ferrier's comments at the March 8, 2011 Council meeting regarding the energy-efficient induction street lighting which he claimed casts shadows and creates an unsafe environment in surrounding areas.

**XII. SCHEDULED ORAL COMMUNICATION - None**

**XIII. ITEMS REFERRED BY COUNCIL**

13.a Oral Reports by Mayor and Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Navarro stated he would be attending a meeting of the Associated Community Action Program on Wednesday.

Councilmember Gacoscos provided information regarding a March 9 Housing Commission meeting she attended.

Councilmember Gacoscos reported on a March 11 meeting she attended at the Family Resource Center in Fremont.

Councilmember Gacoscos reported on a March 15 board meeting she attended at the Union City Chamber of Commerce.

Councilmember Gacoscos reported on a March 19 meeting she attended at the Association of Bay Area Governments regarding regional sustainable community strategy.

Councilmember Ellis reported on a March 15 board meeting he attended at the Union City Chamber of Commerce, following a site visit to Abaxis.

Councilmember Ellis reported attending the Kitayama Multi-Cultural potluck.

Councilmember Ellis reported on a lunch meeting at the Senior Center today with Michael Sweeney, Director of Spectrum Community Services.

Councilmember Duncan reported on a March 11 meeting she attended at the Family Resource Center in Fremont.

Councilmember Duncan reported on a March 15 site visit to Abaxis.

Councilmember Duncan reported on a March 17 video conference with the League of California Cities regarding redevelopment issues.

Councilmember Duncan reported on a March 19 sustainability workshop hosted by Supervisor Lockyer in Newark.

Mayor Green stated a mega summit for seven cities would be scheduled for either May 14 or May 21 regarding the focus of one Bay Area vision for sustainability.

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

Councilmember Ellis stated the dip in the roadway on Central Avenue near the railroad tracks was becoming noticeably deeper.

Mayor Green adjourned the regular meeting to closed session at 10:20 p.m.

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

Mayor Green convened the closed session at 10:28 p.m.

15.a **CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY REGARDING LITIGATION UPDATE OF PENDING LITIGATION AND POTENTIAL LITIGATION**

(Pursuant to Section 54956.9 of the Government Code)

Pending Litigation: Fobbs, et al., v. City of Union City, et al.

Potential Litigation: One case

#### **XVI. ADJOURNMENT**

Mayor Green adjourned the closed session at 11:10 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott  
City Clerk