

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

**TUESDAY, OCTOBER 25, 2011
7:00 PM**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Councilmember Gacoscos called the meeting to order at 7:07 p.m.

I.a Pledge of Allegiance

I.b Roll Call

Present: Councilmembers Duncan, Ellis and Gacoscos
Absent: Vice Mayor Navarro
Mayor Green (arrived at 7:19 p.m.)

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Designating October 2011 as Filipino-American History Month in the City of Union City

Councilmember Gacoscos read the proclamation aloud and presented it to Andrae Macapinlac from the office of Assembly Member Wieckowski.

3.b Presentation from New Haven Unified School District (NHUSD) Superintendent Kari McVeigh about the ongoing work to create a Union City Kids' Zone

Ms. McVeigh presented information regarding a Union City Kids' Zone project, and requested Council support for the concept. Ms. McVeigh requested Council also consider an education subcommittee to work with a District liaison committee to bring back actionable items to Council. Councilmember Duncan is currently a member of the education subcommittee. Councilmembers provided comment.

3.c Union Sanitary District Report to the City Council 2011 - A Summary of Accomplishments, Programs and Projects by Richard Currie, Union Sanitary District General Manager

Union Sanitary District Board Director Manny Fernandez greeted the City Council, and introduced District General Manager Richard Currie. Mr. Currie presented the Union Sanitary District report for 2011, and responded to questions from Councilmembers. Councilmembers provided comment.

- 3.d A Presentation by Tri-CED Community Recycling on the Green Team Multi-family Residential Recycling Assistance Program

Richard Valle presented information regarding the Multi-family Residential Recycling Assistance Program, and responded to questions from Councilmembers. Mr. Valle introduced the following representatives from the Union City Green Team Partners who also presented program information to the City Council:

- Mr. Van Buren, Cypress Mandela Training Center
- Nancy George, New Haven Adult School
- Roberto Mendez, Chabot-Las Positas Community College
- Pastor Jerome Brown

IV. ORAL COMMUNICATIONS

Barry Ferrier announced a work session on transportation planning in Alameda County is scheduled for Thursday, October 27, at the Union City Sports Center, from 6:30-8:30 p.m.

Barry Ferrier announced a series of upcoming outreach meetings regarding the Dumbarton Rail Environmental Impact Report.

V. CONSENT CALENDAR

Items 5.f and 5.g were removed from the Consent Calendar.

It was moved by Councilmember Ellis, seconded by Councilmember Gacoscos, to approve Consent Calendar items 5.a through 5.e, and item 5.h, as recommended by staff.

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

- 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 Special Work Session Held October 4, 2011; the Special and Regular Meetings Held October 11, 2011; and, the Special Work Session Held October 18, 2011
- 5.c Adopted **Resolution No. 4222-11** Authorizing the Appropriation of FTA Grant in the Amount of \$2,609,251 and Authorizing the City Manager to Execute an Agreement with Gillig Corporation, Limited Liability Company for the Purchase of Six (6) Low-Floor Compressed Natural Gas Buses
- 5.d Adopted **Resolution No. 4223-11** Authorizing the Execution of a Bus Parking License Agreement with MV Transportation and Appropriating the Revenue to Corp Yard Master Plan Project Fund
- 5.e Adopted **Resolution No. 4224-11** Accepting Improvements for the Union City 2011-12 Citywide Overlay, City Project No. 11-03

- 5.h Adopted Resolution **No. 4225-11** Appointing Members of the Youth Commission for the 2011-12 School Year

Consideration of Items Removed from the Consent Calendar.

- 5.f Adopt a Resolution to Accept Work for the Citywide Pavement Repair Project, City Project No. 11-10

Harvey Dosanjh inquired about funding sources to pay for the costs of repair work. Public Works Director Cheng stated funding sources include the state gas tax and county ½-cent sales tax. Mr. Dosanjh clarified his inquiry was related to sidewalk repairs and, therefore, he would readdress his question during discussion of item 7.b on the agenda.

It was moved by Mayor Green, seconded by Councilmember Ellis, to adopt **Resolution No. 4226-11** Accepting Improvements for the Union City 2011-12 Citywide Pavement Repair Project, City Project No. 11-10

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

- 5.g Adopt a Resolution Authorizing the Submittal of a Grant Application to the California Emergency Management Agency Under the 2011-12 Funding Cycle of the California Gang Reduction, Intervention, and Prevention (CalGRIP) Program

Deputy City Manager Acosta responded to questions from Councilmembers.

Karen Yifru spoke in support of the grant application, noting the importance of maintaining City management of the working group.

Jerome Brown spoke in support of the grant application.

It was moved by Councilmember Duncan, seconded by Councilmember Gacoscos, to adopt **Resolution No. 4227-11** Authorizing and Directing the City Manager to Submit a Grant Application to the California Emergency Management Agency Under the 2011-12 California Gang Reduction, Intervention, and Prevention (CALGRIP) Program (California Office of Emergency Services) in an Amount not to Exceed Two Hundred Fifty Thousand Dollars (\$250,000) for Youth Violence Prevention Program Support.

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

VI. PUBLIC HEARINGS

- 6.a Adopt a Resolution Approving a Modification (Mod-11-002) to Southern Wine and Spirits' Existing Approvals (Site Development Review Approval, SD-03-08, and Use Permit Approval, UP-10-08) for Demolition of an Existing Warehouse Building and Development of a New Warehouse and Distribution Facility Located at 1555 Atlantic

Street (APNs: 475-0130-023, 475-0121-011, 475-0121-012), Which Includes the Following Modifications:

- Reduction of Building Size from 402,000 Sq. Ft. to Approximately 334,000 Sq. Ft.;
- Modification to Office Area within Building;
- Reduction of Building Height From 75 Feet to 62 Feet;
- Modifications to Building Exterior;
- Increase of Front Setback From 18 Feet to Required 25 Feet;
- Modification to On-Site Access and Parking Configuration;
- Reduction in On-Site Automobile and Truck Parking From 256 to 245 Spaces; and
- Increase in Landscape Area From 37,294 Sq. Ft. to 53,062 Square Feet

Planning Manager Campbell presented the staff report and responded to questions from Councilmembers.

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

It was moved by Councilmember Ellis, seconded by Councilmember Duncan, to hold the public hearing, and adopt **Resolution No. 4228-11** Approving a Modification (MOD-11-002) to Site Development Review (SD-03-08) and Use Permit (UP-10-08) Approvals for Demolition of an Existing Warehouse Building and Development of a New Warehouse and Distribution Facility Located at 1555 Atlantic Street (Southern Wine and Spirits).

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

6.b Public Hearing for the Introduction of an Ordinance Amending Chapter 12.16 "Public Improvements - Trees Shrubs and Plants" of the Union City Municipal Code by Applying Integrated Pest Management and Best Management Policies for Public Improvements

Public Works Director Cheng introduced Grounds Supervisor Kirk, who presented the staff report and responded to questions from Councilmembers.

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

It was moved by Councilmember Gacoscos, seconded by Councilmember Duncan, to approve the introduction of an ordinance (by reading of the title only) Amending Chapter 12.16 of the Municipal Code by Applying Integrated Pest Management and Best Management Policies for Public Improvements.

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

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Authorizing Amendments to the FY 2011-12 and 2012-13 Operating Budgets to Include Administrative Contingency Reserve per City Council Fiscal Management Policy

Administrative Services Director Digre presented the staff report. City Manager Cheeves responded to questions from Councilmembers, clarifying the nature of emergency expenditures.

Barry Ferrier spoke in support of including an administrative contingency reserve.

It was moved by Councilmember Duncan, seconded by Councilmember Ellis, to accept the report and adopt **Resolution No. 4229-11** Authorizing Amendments to the FY 2011-12 and 2012-13 Operating Budgets to Include Administrative Contingency Reserve per City Council Fiscal Management Policy.

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

- 7.b Adopt a Resolution Approving a Sidewalk Maintenance and Loan Policy

City Engineer Thomas Ruark presented the staff report and responded to questions from Councilmembers.

Harvey Dosanjh stated most sidewalk damage is caused by roots from City trees and, therefore, the City should pay for the bulk of sidewalk repair costs.

It was moved by Councilmember Gacoscos, seconded by Councilmember Ellis, to adopt **Resolution No. 4230-11** Approving and Adopting the Sidewalk Maintenance and Loan Policy.

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

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

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

Councilmember Gacoscos stated she attended the Housing Authority of Alameda County meeting on October 12, 2011. Councilmember Gacoscos stated the major topic of discussion was HUD's decision to cut funding for a family self-sufficiency program in the 2012 budget.

Councilmember Gacoscos stated she attended the Economic Development Geographic Work Session on October 18, 2011.

Councilmember Ellis stated he attended the Economic Development Geographic Work Session on October 18, 2011, and the Economic Development Advisory Team meeting on October 19, 2011.

Councilmember Ellis stated he attended an event honoring Paddy's Coffee House on October 22, 2011. Senator Ellen Corbett recognized Paddy's Coffee House owner, Paddy Iyer, as an 'outstanding small business of the year from District 10'.

Councilmember Ellis stated he attended an event at the Gurdwara Sikh Temple on October 23, 2011.

Councilmember Duncan stated she attended the Association of Bay Area Governments Fall General Assembly on October 13, 2011. Councilmember Duncan requested an update on the City's Climate Action Plan.

Councilmember Duncan stated she attended the Economic Development Geographic Work Session on October 18, 2011, and expressed appreciation for the panelists input.

Councilmember Duncan stated she attended the Economic Development Advisory Team meeting on October 19, 2011.

Councilmember Duncan stated she attended the Oakland Airport Community Noise Management Forum on October 19, 2011. Councilmember Duncan stated the organization is creating an interactive complaint form on its website, scheduled to be available by December 2011.

Mayor Green stated he attended the Association of Bay Area Governments Fall General Assembly on October 13, 2011.

Mayor Green stated the election for Vice President of the Association of Bay Area Governments is currently underway.

Mayor Green stated he would attend the Alameda County Transportation Commission meetings on October 27, 2011. Mayor Green stated the discussion would include polling information regarding proposed projects.

Mayor Green stated he would attend the Metropolitan Transportation Commission meeting on October 26, 2011.

Mayor Green stated he attended a family wedding in Atlanta.

13.b A Referral from Mayor Green Regarding the Concept of a Working Group for Oversight of the Youth Violence Prevention Program

Councilmember's discussed a request from COR (Congregations Organizing for

Renewal) to form a new working group for the oversight of the Youth Violence Prevention Program. Councilmember's provided comment and expressed the desire to have the current advisory committee work more effectively. There was not a majority of the Council interested in creating another committee process.

XIV. GOOD OF THE ORDER

Councilmember Duncan inquired about the hours of the new Police substation. Police Chief Stewart stated Centro de Servicios staff is providing front desk coverage Monday through Friday, 8:00 a.m. – 5:00 p.m. Police Chief Stewart stated there are no set hours for Police officers at the substation and officers working in the area use the substation to write reports.

Councilmember Duncan inquired if Council would be examining further the recent report received from the East Bay Economic Development Alliance. City Manager Cheeves conveyed various options for doing so, including having: the Economic Development Advisory Team summarize the report for the Council; Scott Peterson, Deputy Director of the East Bay Economic Development Alliance, formally present the report to the Council; Council choose to add discussion of the report on a regular meeting or work session agenda; or, having the report added to the November 29, 2011, Economic Development Geographic Work Session agenda. Economic and Community Development Director Malloy stated staff will be presenting a summary of the Economic Development Geographic Work Sessions which could include a summary of the East Bay Economic Development Alliance report.

Councilmember Ellis requested the Economic Development Geographic Work Session summaries be used to create a list of steps the City can take to facilitate economic growth.

Councilmember Ellis stated the grounds at Town Estates Park are muddy and appear to require some sort of maintenance. Grounds Supervisor Kirk stated staff would look into the matter.

Councilmember Gacoscos stated delegates from our sister city of Liyang, China, visited on October 16 and 17, 2011. The Liyang delegates attended a dinner at Federicos, hosted by Lifemark Group, on October 16, 2011. The Friends of Sister Cities hosted a luncheon, honoring the Liyang delegates, on October 17, 2011.

Councilmember Gacoscos stated she attended an event at the Gurdwara Sikh Temple on October 23, 2011.

City Manager Cheeves stated the upcoming Economic Development Geographic Work Sessions would be held at the Ruggieri Senior Center on November 1, 2011, and at the Union City Sports Center on November 29, 2011.

Mayor Green stated the City will need to make changes in specific areas based on the Economic Development Geographic Work Session summaries.

Mayor Green adjourned the regular meeting to Closed Session at 9:52 p.m.

XV. CLOSED SESSION

15.a CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: APN Nos. 087-0102-001, 087-0102-005, 087-0102-006, 087-0102-007; and, APN Nos. 087-0101-080-32, 087-0101-080-33, 087-0101-080-35, 087-0101-080-38, 087-0101-080-39

Buyer: City of Union City represented by Joan Malloy and Mark Evanoff

Seller: 2C Development Company LLC, a limited liability company represented by Howard Ellman

Under negotiation: Price and terms

15.b CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: APN Nos. 087-0340-001, 087-0340-002, 087-0340-003, 087-0340-004, 087-0340-005, 087-0340-006, 087-0340-007, 087-0019-018, and 087-0019-019

Buyer: City of Union City represented by Joan Malloy and Mark Evanoff

Seller: TBA

Under negotiation: Price and terms

15.c CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Government Code Section 54956.9(a))

CRA, LOCC, Union City, et al. v. Ana Matosantos – Cal. Supreme Court Case No. S194861

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session at 10:35 p.m. with no reportable action.

Respectfully submitted,

Renee Elliott
City Clerk