

**MINUTES FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
AUGUST 10, 2004, 6:40 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

ROLL CALL: Present: Councilmembers Dutra-Vernaci, Elias, Valle, Vice Mayor
Fernandez, Mayor Green
Absent: None

INTERVIEW WITH PARK AND RECREATION COMMISSION APPLICANTS

Council interviewed one applicant for a position on the Park and Recreation Commission.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Meeting adjourned at 6:57 p.m.

**MINUTES FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, AUGUST 10, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

Mayor Green called the meeting to order at 7:12 p.m. and led the audience in the salute to the flag.

ROLL CALL: Present: Councilmembers Dutra-Vernaci, Elias, Valle, Vice Mayor
Fernandez, Mayor Green
Absent: None

UNFINISHED BUSINESS - NONE

APPROVAL OF MINUTES

- A. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, July 27, 2004

Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to approve minutes as submitted.

AYES: 5 NOES: 0 ABSENT: 0

- B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, August 3, 2004

Councilmember Valle moved, seconded by Vice Mayor Fernandez to approve minutes as submitted.

AYES: 5 NOES: 0 ABSENT: 0

PROCLAMATIONS/PRESENTATIONS - NONE

ORAL COMMUNICATIONS

Dave Bhatia provided information on the August 14-15 Festival of India; commented on candidate for New Haven Trustee.

Atul Mitra provided his background and requested Council's support for New Haven Trustee.

John Haley stated the City needs to be proactive on enforcement of building codes.

HEARINGS

A. HEARING RE: **ESTABLISHMENT OF THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT** (Resolutions)

This hearing is for the property owners' benefit to discuss the proposed annual levy and establishment of the Union Landing Property and Business Improvement District (PBID).

Lori Taylor, Economic Development Manager, gave the staff report.

Linda West, City Clerk, opened the votes. The votes were then tallied by the City's consultant and the results announced.

89% of the votes received voted in favor of the Improvement District. With this percentage the Improvement District is approved.

Councilmember Valle moved, seconded by Councilmember Elias to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolution adopted by this motion is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING FOR THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND APPROVING CERTAIN RELATED ACTIONS	ADOPT RESO. 2698-04
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Councilmember Dutra-Vernaci moved, seconded by Councilmember Elias to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolution adopted by this motion is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ORDERING THE FORMATION OF THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND THE LEVY AND COLLECTION OF ASSESSMENTS FOR SAID DISTRICT FOR FISCAL YEAR 2004/2005

ADOPT RESO.
NO. 2699-04

Councilmember Elias moved, seconded by Vice Mayor Fernandez to approve resolution, numbered appropriately.

The title of the resolution adopted by this motion is as follows:

AYES: 5 NOES: 0 ABSENT: 0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE FINAL ENGINEER'S REPORT FOR THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, FISCAL YEAR 2004/2005

ADOPT RESO.
NO. 2700-04

REPORTS FROM CITY MANAGER

A. Fourth of July After Action Report

A report will be presented by the Police Chief and Fire Chief on the activities which occurred on the Fourth of July.

Police Chief, Randy Ulibarri, gave the staff report regarding the Police Department activities on the Fourth of July.

Fire Chief, Chris Maxwell, gave the staff report regarding the Fire Department activities on the Fourth of July.

John Haley stated that Seven Hills was worse this year than in past years and made suggestions to protect this area.

Barry Ferrier stated that a proactive approach needs to be taken.

Hugh McNamara commented on activity in Contempo area.

B. Consideration of street naming policy

This report is intended to provide a brief summary of the current street naming policy and provide alternatives to refine the program.

Mark Leonard, Community Development Director, gave the staff report.

Sheila Chraft commented that streets should be named after historical figures.

Mayor Green moved, seconded by Councilmember Elias to establish policy to name streets after City Treasurer, City Manager and City Attorney.

Council recessed at 8:30 p.m. and reconvened the meeting at 8:55 p.m .

REDEVELOPMENT AGENCY

A. Authorization to negotiate Exclusive Negotiating Agreement with TMG Partners, for the development of the former PG&E Pipe Storage Yard (Resolution)

Staff is requesting authorization to negotiate the terms of an Exclusive Negotiating Agreement with TMG Partners for the Master Developer for the Intermodal Station District and new town center.

Lori Taylor, Economic Development Manager, gave the staff report.

David Cropper, Partner, TMG Partners and Michael Covarrubias, President and CEO, TMG Partners responded to Council questions.

Margaret Edgelow expressed her support of TMG Partners, and stressed importance of community involvement.

John Haley stated this is our last shot at doing something great and unique, and spoke of the need for this to be partnership with the developer.

Kenneth Ryan expressed his support of TMG Partners.

Barry Ferrier expressed his support of TMG Partners.

Chair Green moved, seconded by Agencymember Elias to adopt resolution, numbered appropriately, and to have Vice Mayor Fernandez participate in the design plan.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolution adopted by this motion is as follows:

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY AUTHORIZING STAFF TO NEGOTIATE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH TMG PARTNERS FOR A MIXED USE DEVELOPMENT ON PORTIONS OF THE FORMER PG&E PIPE YARD PROPERTY

ADOPT RDA
RESO. 302-04

Item B was addressed in a joint meeting of the City Council and the Community Redevelopment Agency.

B. Refinancing of 2001B Taxable Bonds (Resolutions)

The Agency has a one-time option to refund (refinance) \$4.3 million of Taxable Bonds without penalty on October 1, 2004. It is not currently anticipated that the Agency will need these taxable proceeds but could instead substitute tax-exempt proceeds from the upcoming bond issue, thereby saving substantial interest costs.

Rich DiGre, Administrative Services Director, gave the staff report.

Mayor/Chair Green moved, seconded by Vice Mayor/Chair Fernandez to adopt resolutions, numbered appropriately, and to have Vice Mayor/Vice Chair Fernandez participate in the design.

AYES: 5 NOES: 0 ABSENT: 0

The title of the resolutions adopted by this motion are as follows:

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY APPROVING REFUNDING OF \$4.3 MILLION OF 2001B TAXABLE BONDS AND INTERIM BORROWING OF \$4.3 MILLION FROM THE CITY'S GENERAL FUND

ADOPT RDA
RESO. 303-04

RESOLUTION OF THE CITY OF UNION CITY APPROVING INTERIM BORROWING OF \$4.3 MILLION FROM THE CITY'S GENERAL FUND BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY

ADOPT RESO.
NO. 2701-04

AUTHORITIES/AGENCIES - NONE

REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

CONSENT CALENDAR/RESOLUTIONS

Mayor Green requested Items F-I be removed from the consent calendar.

Councilmember Valle requested Item K removed from the consent calendar.

A member of the audience requested Item J removed from the consent calendar.

Councilmember Elias moved, seconded by Councilmember Valle to adopt Items A-E, and L, numbered appropriately, and to waive the reading of the title of the Ordinance.

AYES: 5 NOES: 0 ABSENT: 0

The titles of the resolutions and introduction of ordinance adopted by the earlier stated motion are as follows:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY RESCINDING THE 5% EMPLOYEE COMPENSATION CONCESSION AND 2% PERSON REIMBURSEMENT FOR THE PROFESSIONAL EMPLOYEES GROUP, EFFECTIVE JULY 1, 2004; AND AMENDING THE COMPENSATION PLAN FOR THE PROFESSIONAL EMPLOYEES GROUP ADOPT RESO. NO. 2702-04

This resolution approves rescinding the 5% Employee Compensation Concession and 2% PERS reimbursement for the Professional Employees Group effective July 1, 2004 and amends the Compensation Plan for the same period.

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE AUTHORIZATION, COMPENSATION AND CLASSIFICATION PLANS - VEHICLE HEAVY EQUIPMENT MECHANIC TRAINEE ADOPT RESO. NO. 2703-04

This resolution approves revisions to the Memorandum of Understanding between the City and Local 790, SEIU for the period from July 1, 2004 through June 30, 2005 and amends the compensation plan for the same period.

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE TRI-CITIES EMERGENCY SERVICES ASSOCIATION MUTUAL AID AGREEMENT FOR INTER-AGENCY COOPERATION DURING LOCAL DISASTERS AND EMERGENCIES ADOPT RESO. NO. 2704-04

This resolution authorizes the City to continue its participation in the Tri-Cities Emergency Services Association. This association consists of the cities and school districts of Union City, Newark, and Fremont, Alameda County Water District, Union Sanitary District, Fremont-Newark Community College District and Washington Hospital Healthcare System. The Association provides mutual assistance to each other during emergencies or disasters, and provides reimbursement for equipment, supplies and personnel that are made available to the agency in need during these emergencies.

- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE PURCHASE OF ONE CAT 420D BACKHOE LOADER, CITY PROJECT NO. 04-11 ADOPT RESO. NO. 2705-04

This resolution approves the purchase of one CAT 420D backhoe loader to replace the 1989 Ford Backhoe tractor. The 1989 tractor is now 15 years old and showing stress fractures on major components and was recommended for replacement in the 2003/04 budget. Peterson Tractor Co. is the State bid winner for this equipment in the amount of \$78,594.71.

- E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE FISCAL YEAR 2004-05 ANNUAL OPERATING BUDGET ADOPT RESO. NO. 2706-04

This resolution amends the FY 04-05 budget to include the costs of staffing three police officers at Union Landing, subject to the approval of the Property Owners' Business Improvement District (PBID).

L. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 7.20.050 AND 7.20.130 OF THE UNION CITY MUNICIPAL CODE PERTAINING TO AUTHORIZING REFUNDING OF 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEES

INTRO ORD.
NO. 633-04

This ordinance amends Sections 7.20.05 and 7.20.130 of the Union City Municipal Code and authorizes the refunding of 911 Emergency Communication System Response Fee (911 Fees) paid for phones that are physically located outside of Union City and do not have a 510 area code; and 911 fees paid by businesses that exceed 20% of the total monthly telecommunications bills for the company, on a carrier by carrier basis.

The title of Item F is as follows:

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE PARK AND RECREATION COMMISSION

Interviews were held on Tuesday, August 3, with applicants to fill vacancies on the Park and Recreation Commission. This resolution appoints two individuals to serve for four year terms expiring August 15, 2008, and one individual to fill an unexpired term expiring August 15, 2006.

Mayor Green nominated Daniel Rivera, Adam Lopez, David Acosta, Gina Lewis and Steven Nichols for appointment on the Park and Recreation Commission.

Councilmember Valle seconded this motion. This motion was approved as follows:

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2707-04

The title of Item G is as follows:

G. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPOINTING INDIVIDUALS TO SERVE ON THE ARTS COUNCIL

Interviews were held on Tuesday, August 3, with applicants to fill vacancies on the Arts Council. This resolution appoints three individuals to serve for four year terms expiring September 30, 2008.

Mayor Green nominated Diane La Mountaine, Eva Kamakea and Dee Bueno for appointment on the Arts Council.

Councilmember Elias seconded this motion. This motion was approved as follows:

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2708-04

The title of Item H is as follows:

- H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH ROMA DESIGN GROUP PROFESSIONAL DESIGN SERVICES FOR CITY PROJECT NO. 01-34, INTERMODAL STATION, PHASE 1B

This resolution authorizes awarding contract for professional design services with ROMA to prepare design development plan for Union City Intermodal Station Phase 1B and authorizes the City Manager to execute the CMA TIP agreement.

Mayor Green pulled Item H in order to acknowledge staff for the good work on this project.

Mayor Green moved, seconded by Councilmember Elias to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2709-04

- I. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT WITH ALTA PLANNING+DESIGN FOR PROFESSIONAL DESIGN SERVICES FOR CITY PROJECT NO. 04-14, CITY PEDESTRIAN AND BICYCLE PLAN

As a component of the General Plan, the City plans to develop a City Pedestrian and Bicycle Plan to address the needs of the community and develop a prioritized Capital Improvement Project for the bike and pedestrian project. Prior to disbursement of the Measure B funds for this project, it is required for the City to develop and adopt a priority list of projects proposed. The proposed amendment to the contract with Alta Planning +Design will allow the City to develop a priority list. This project will be funded by Measure B "pass-thru" funds in the amount of \$120,265.

Mayor Green pulled Item I to comment on the need for this project in relation to the Measure B funds.

Margaret Edgelow requested consideration of the size of sidewalks for disabled individuals.

Kenneth Ryan suggested contacting the high school for bicyclers that may be interested in sitting on a committee.

Hugh McNamara stated the RePAC recently approved installation of 5' sidewalks on Whipple.

Mayor Green moved, seconded by Councilmember Elias to approve resolution and to authorize formation of an advisory committee regarding the City Pedestrian and Bicycle Plan.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2710-04

The title of Item J is as follows:

- J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING DESTRUCTION, WITHOUT DUPLICATION, OF POLICE PERSONNEL RECORDS THAT HAVE EXCEEDED THEIR LEGAL RETENTION

Each year the Police Department destroys certain records which meet time retention expiration dates. The Police Department is seeking authorization to purge expired police personnel records.

J. J. Amaya expressed concerns over destruction of records.

Carmen Saldivar expressed concern over the destruction of records.

Leonor Amaya thanked the Council for their time.

Councilmember Valle moved, seconded by Mayor Green to approve resolution, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT
RESO. NO. 2711-04

- K. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING A METROPOLITAN TRANSIT COMMISSION RESOLUTION TO BECOME AN IMPLEMENTING AGENCY FOR A LIMITED PORTION OF THE DUMBARTON RAIL CORRIDOR ENVIRONMENTAL REVIEW

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 2 WITH EARTH TECH, INC. TO INCORPORATE ELEMENTS THAT WOULD BE OF BENEFIT TO DUMBARTON RAIL PASSENGER SERVICE INTO THE PRELIMINARY ENGINEERING AND ENVIRONMENTAL DOCUMENTATION THAT IS CURRENTLY UNDERWAY FOR CITY PROJECT NO. 2001-35, CAPITAL CORRIDOR RAIL STATION PROJECT (UNION CITY INTERMODAL PASSENGER RAIL PROJECT)

These resolutions authorize the City to be a recipient of RM 2 funds as an Implementing Agency and directs the submission of the Initial Project Report to the MTC for consideration; and authorizes the City Manager to amend the contract with Earth Tech, Inc., up to \$100,000 to modify the Union City Intermodal Station Passenger Rail Project Environmental Impact Report to incorporate improvements of benefit to the Dumbarton Rail passenger service within the Union City Intermodal Station Passenger Rail project limits and complete 30% engineering of the layover yards under consideration.

Councilmember Valle requested and received information about the location of site property, requirement for additional funds, use of bridge toll funds for this project, and use of Highway 84 funds on this project.

Councilmember Valle moved, seconded by Councilmember Dutra-Vernaci to approve resolutions, numbered appropriately.

AYES: 5 NOES: 0 ABSENT: 0 ADOPT RESO.
NO. 2712-04

ADOPT RESO.
NO. 2713-04

ORAL COMMUNICATIONS

Hugh McNamara commented on possibility of using a timer for speakers at next Senior Commission meeting.

J. J. Amaya commented about lawsuit against the City.

Carmen Saldivar commented about a civilian review board, decision on lawsuit.

Kenneth Ryan commented on Highway 84.

CORRESPONDENCE - NONE

APPROVAL OF BILLS - MONTH OF JULY

A. Approval of disbursements for month of July 2004

Councilmember moved, seconded by Councilmember to approve disbursements for month of July 2004.

AYES: 5 NOES: 0 ABSENT: 0

SCHEDULED ORAL COMMUNICATIONS - NONE

ITEMS REFERRED BY COUNCIL

A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

There were no reports.

B. Request by Councilmember Elias for discussion on preparation of City Council agendas (continued from July 13, 2004)

Councilmember Elias requested the agenda be reviewed by the Mayor or Vice Mayor prior to publication.

GOOD OF THE ORDER

Councilmember Valle received information that the Argus has not assigned a reporter to Union City.

Councilmember Valle requested City Manager Cheeves to meet with the Editor Steve Waterhouse regarding coverage.

Councilmember Valle would like to see resolutions welcoming home Union City residents who have served in the military.

Councilmember Dutra-Vernaci moved seconded by Councilmember Elias to adjourn meeting at 10:50 p.m. to Tuesday, September 14, 2004.

AYES: 5 NOES: 0 ABSENT: 0