

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
February 14, 2006**

I. CALL TO ORDER: Mayor Green called the regular meeting to order at 7:00 p.m.

1.1 Pledge of Allegiance: Mayor Green led the Pledge of Allegiance.

1.2 Roll Call: Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green

Mayor Green reported that, the City Council, in their earlier closed session, unanimously confirmed the City Managers appointment for Fire Chief, Carlos Rodriguez.

Mayor Green introduced Mr. Rodriguez, who expressed his gratitude in being named the next Union City Fire Chief.

II. UNFINISHED BUSINESS: None

III. PROCLAMATIONS AND PRESENTATIONS

3.1 Introduction of new and promoted employees

Police Chief Ulibarri introduced Police Cadet Charles Aquino; Public Works Director Cheng introduced Maintenance Worker I Luis Diosdado and promoted Building Maintenance Worker Johnny Guzman; Community Development Director Leonard introduced Senior Planner Carmela Campbell.

IV. ORAL COMMUNICATIONS

Mattie Rousseau complimented the Fire Department on their quality of service to the community.

Myrla Raymundo recommended that streets be named after long-time residents Frank Borghi Jr. and Jess Orozco.

V. CONSENT CALENDAR: Items 5.2, 5.4, 5.6, 5.7 and 5.8 were pulled for separate action.

5.1 Adopted **Resolution No. 3106-06** confirming Planning Commission approval of Site Development Review SD-11-05, to remodel the exterior of an existing restaurant at 34396 Alvarado-Niles Road (former Szechwan Home); applicant: William Hsien, Alpha Investments and Property Management

5.3 Adopted **Resolution No. 3107-06** accepting work performed by Graham Contractors, Inc. for 2004-05 Slurry Seal Program, Project No. 04-20

5.5 Adopted **Resolution No. 3108-06** accepting Public Improvements for Tract 7058, west of Union City Boulevard, opposite Rocklin Drive and Lowry Road; Ponderosa Homes II, Inc.

Motion: It was m/s by Fernandez/Valle to approved Consent Items 5.1, 5.3 and 5.5 as recommended by staff. Motion carried unanimously.

- 5.2 Adopt a Resolution approving Request for Proposals for a Transit Alternatives Study, City Project No. 06-01

Motion: It was m/s by Green/Dutra-Vernaci to adopt **Resolution No. 3109-06** approving Request for Proposals for a Transit Alternatives Study, City Project No. 06-01 as recommended by staff. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green
Noes: None
Absent: None

- 5.4 Adopt a Resolution approving Final Tract Map 7576, southeastern terminus of Kenita Way, west of Alvarado-Niles Road; Greater Bay Construction (PAN-CAL)

Motion: It was m/s by Valle/Navarro to adopt **Resolution No. 3110-06** approving Final Tract Map 7576, southeastern terminus of Kenita Way, west of Alvarado-Niles Road; Greater Bay Construction (PAN-CAL) as recommended by staff.

Ayes: Councilmembers Dutra-Vernaci, Navarro, Valle, Mayor Green
Noes: None
Absent: Councilmember Fernandez (due to a conflict of interest)

- 5.6 Pulled from the agenda, no action - Adopt a Resolution accepting Public Improvements for Tract 7394, north of Lowry Road, east of Regents Boulevard; Ponderosa Homes II, Inc.

- 5.7 Adopt a Resolution adopting the Bravo Company, 2nd Battalion, 502nd Infantry, 101st Airborne Division

Motion: It was m/s by Valle/Dutra-Vernaci to adopt **Resolution No. 3111-06** adopting the Bravo Company, 2nd Battalion, 502nd Infantry, 101st Airborne Division as submitted.

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green
Noes: None
Absent: None

- 5.8 Adopt a Resolution accepting and appropriating \$128,560 from Alameda County Waste Management Authority to partially fund a Residential Food Scrap Collection Program

Motion: It was m/s by Green/Navarro to adopt **Resolution No. 3112-06** accepting and appropriating \$128,560 from Alameda County Waste Management Authority to partially fund a Residential Food Scrap Collection Program as recommended by staff.

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green
Noes: None
Absent: Councilmember Valle (due to a conflict of interest)

VI. PUBLIC HEARINGS: None

VII. CITY MANAGER REPORTS

7.1 Report on Union City Boulevard Roadway Study

Director Cheng introduced Chewn Siripocanont of TY Lin International who was retained to conduct the roadway study.

Ms. Siripocanont advised that her company, TYLI was selected to conduct a roadway study of Union City Boulevard to see if there were any improvements that could be made to lessen the likelihood of future fatal accidents as well as enhance overall public safety awareness. TYLI performed a speed survey, reviewed the existing conditions including review of accident reports and as-built plans, and evaluated available remedial options for the improvement of Union City Boulevard. She referred to the Executive Summary in the Technical Report, which concluded that based on the available information at the time of the study, Union City Boulevard is not an inherently safe roadway. At the time the roadway was constructed, as well as subsequent improvements, it met the current design standards for local roadway design included in Caltrans Highway Design Manual and AASHTO's Policy on Geometric Designs of Highways and Streets. In response to the existence of the inherently unsafe driver, she outlined the following recommendations contained in the report:

- Increase speed enforcement by the Police Department
- Place electronic speed indicator signs at appropriate locations where the incidents of speed violations are more probable
- Install flashing beacon with standard warning message signs (such as signal ahead, curve ahead)
- Operate traffic signals resting on red during the non-peak hours if not in conflict with bus priority operation along the SMART corridor
- Provide some form of protection to lessen impacts to median trees (guardrail, a landscape wall, dense shrubbery, crash cushions, etc.)
- Refresh pavement delineation and markings where worn and visibility limited
- Increase visibility of street name signs at major intersections
- Evaluate the placement of additional signage, especially in advance of curves and traffic signals

Ms. Siripocanont noted that because Union City Boulevard is part of the SMART corridor and a reliever route for I-880, it is not recommended that the City install traffic calming measures.

Director Cheng advised that Public Works and Engineering staff would work with TYLI to implement the suggestions to enhance the unsafe driver's public safety awareness. She recommended that Council receive and file the study.

Council concurred with the recommendation.

7.2 Six month status report concerning Medical Marijuana Dispensaries

City Attorney Riback introduced the staff report and noted the amount of the legal activity concerning the validity of regulation/prohibition of the dispensing of medical marijuana in California. He advised that all the activity had done nothing to clarify the

apparent conflict between state and federal law in this area. He recommended that the Council accept the report, and take no further action as this time. It is staff's intent to bring a recommendation back to the Council in April or May for consideration prior to the moratorium's expiration.

Council concurred with the City Attorney's recommendation.

7.3 Report on Fiscal Year 2005-06 Mid-Year Budget and consideration of a Resolution amending the General Fund Operating Budget for Fiscal Years 2005/06 and 2006/07

Director Digre introduced the staff report and outlined the Mid-Year General Fund revenue versus expenditure comparison. He noted that the report contained the quarterly disbursement list for October 1 through December 31, 2005. He recommended approval of the proposed resolution attached to the staff report.

Motion: It was m/s by Navarro/Fernandez to accept the Mid-Year Budget Report and adopt **Resolution No. 3113-06** amending the General Fund Operating Budget for Fiscal Years 2005/06 and 2006/07 as recommended by staff. Motion passed by the following vote:

Ayes: Councilmembers Dutra-Vernaci, Fernandez, Navarro, Valle, Mayor Green
Noes: None
Absent: None

VIII. REDEVELOPMENT AGENCY

8.1 Adopt a Resolution designating The Olson Company as the Master Developer of the property bounded by D Street, E Street, Mission Boulevard and Second Street

Redevelopment Agency Manager Evanoff presented the staff report. He advised that the Action Team composed of several former Redevelopment Project Advisory Committee members and neighborhood residents and merchants provided input to staff recommendation.

Seth Israel, representing The Olson Company, outlined their business proposal, which included the projects components, entitlements, affordable housing, prevailing wages, purchase price, financial feasibility, financing, and commencement of construction.

Hugh McNamara spoke in favor of the proposal as he felt it would encourage pedestrian traffic in the area.

Motion: It was m/s by Green/Fernandez to adopt **Community Redevelopment Agency Resolution No. 329-06** designating The Olson Company as the Master Developer of the property bounded by D Street, E Street, Mission Boulevard and Second Street as recommended by staff. Motion passed by the following vote:

Ayes: Members Dutra-Vernaci, Fernandez, Navarro, Valle, Chair Green
Noes: None
Absent: None

IX. AUTHORITIES AND AGENCIES: None

X. CITY COMMISSION/COMMITTEE REPORTS: None

XI. ORAL COMMUNICATIONS

Dave Garges advised that he was representing the Seven Hills Improvement Group, and expressed concern with the lack of improvements in the area, particularly in the landscape medians.

Councilmembers Fernandez and Navarro noted their conflicts of interests due to owning property in the area and left the Council Chamber at 9:00 p.m. The Councilmembers rejoined the meeting at 9:06 p.m.

Council referred the issue to staff.

XII. SCHEDULED ORAL COMMUNICATIONS: None

XIII. ITEMS REFERRED BY COUNCIL

13.1 Oral reports by Councilmembers on meetings of County or Regional Boards and Commission

Councilmember Dutra-Vernaci advised that Christine Gouig was appointed the new Executive Director of the Alameda County Housing Authority.

XIV. GOOD OF THE ORDER

Councilmember Fernandez commented on the quality of new sound system.

Councilmember Dutra-Vernaci advised that the Spring CERT session would begin March 11th. She also inquired about the City's compliance with AB 1234 and asked if it would be possible to include special districts and smaller government boards into the City's ethics training.

Attorney Riback advised that he has provided Director Digre with a draft policy that complies with AB 1234.

Councilmember Valle asked that staff obtain a copy of the EIR for the proposed compost facility in Sunol and report on its potential impacts. He advised of an abandoned appliance at 12th and H Streets.

Mayor Green spoke of the draft agreement concerning Highway 84 and the statewide ballot measure for libraries. He asked that staff look into the possibilities of establishing drop off collection facilities for the newly defined e-waste.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to section 54956.8 of the Government Code

Property: 1320-1330 Decoto Road, APN: 087-0019-012-01
Agency negotiator: Mark Leonard and Mark Evanoff
Negotiating parties: Larry Marks
Under negotiation: Price and Terms

Property: 1100 Decoto Road, APN 087-0019-004-02
Agency negotiator: Mark Leonard, Mark Evanoff
Negotiating parties: TMG Partners
Under negotiation: Price and Terms

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to section 54957.6 of the Government Code

City designated representatives: Larry Cheeves, Tony Acosta, Rich Digre

Employee organizations: Management, Professionals, Police Officers Association,
Police Management, SEIU Local 790

The Council adjourned to closed session at 9:22 p.m.

The meeting reconvened in open session at 10:15 p.m. Mayor Green reported the following action taken in Closed Session. The Agency Board authorized the Executive Director to negotiate a purchase agreement for property located at 1320 and 1330 Decoto Road, APN 087-0019-012-01.

XV. ADJOURNMENT: There being no further business, Mayor Green meeting adjourned at 10:20 p.m.

Respectfully submitted,

Karen Diaz, MMC
City Clerk