

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

**TUESDAY, MARCH 13, 2007
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:15 p.m.

Mayor Green announced there was no reportable action from the closed session held this date at 6:30 p.m.

1.a Pledge of Allegiance – Mayor Green led the salute to the flag.

1.b Roll Call

Present: Councilmembers Dutra-Vernaci, Fernandez and Valle, Vice Mayor Navarro, Mayor Green.

Absent: None.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Resolution Honoring Our Lady of the Rosary Church upon their Centennial Celebration

Mayor Green read the resolution aloud and presented it to Father Jose Leon who expressed his appreciation and pointed out that the church is 50 years older than the City of Union City.

3.b Introduction of New Hires and Promoted Employees

City Manager Cheeves presented the staff report and introduced department directors.

Administrative Services Director Digre introduced newly promoted staff members Supervising Accountant Gayle Okada, Senior Accountant Anita Castillo, and Accountant Lola Tapia

Deputy City Manager/Leisure Services Director Acosta acknowledged the good work of Corina Hahn and staff at the recently opened Sports Center. Leisure Services Manager Jill Stavosky introduced Corina Hahn, promoted to Senior Recreation Supervisor; Recreation Coordinator's Marissa Vera and Jesus Garcia;

Administrative Assistant I Erick Lising; Part-Time Program Coordinator Pierre Jetson; and, Recreation Program Coordinator's Maynard Estrellado and Jamie Chew.

Public Works Director Cheng introduced Maintenance Trainee Javier Munoz; Maintenance Streets Supervisor Ray Fitch; and, Maintenance Grounds Supervisor Nelson Kirk.

IV. ORAL COMMUNICATIONS

Ken Ryan expressed his appreciation for the resolution that was presented by the City Council on February 27, 2007.

Estella Rothuoeil expressed concern about the ability of seniors to use bus transportation from the Tropics Mobile Home Park.

Janine Wong requested bus service be maintained for Tropics Mobile Home Park residents.

Fred Barker requested bus service be continued to benefit seniors at the Tropics Mobile Home Park.

Naomi Aylesworth requested Council reconsider any changes proposed for bus transportation to the Tropics Mobile Home Park.

Ursula Jhaveri requested continued bus service for the Tropics Mobile Home Park residents.

John O'Donnell stated he was opposed to any change to the current bus transportation service at the Tropics Mobile Home Park.

John Smith, representing the League of Women Voters, acknowledged Union City's efforts to support the Brown Act requirements for open government.

V. CONSENT CALENDAR

Item 5.i was removed from the Consent Calendar for separate consideration.

It was moved by Vice Mayor Navarro, seconded by Councilmember Dutra-Vernaci, to approve Consent items 5.a through 5.h, and Consent items 5.j through 5.k, as recommended by staff. Motion carried unanimously.

- 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 Approved Minutes for the Special and Regular Meetings of February 27, 2007
- 5.c Approved the second reading and adoption of **Ordinance No. 685-07** authorizing the levy of a special tax within Community Facilities District No. 2006-1 (Public Services) (Introduced February 27, 2007)

- 5.d Adopted **Resolution No. 3328-07** Authorizing the Execution of a Standard Agreement, and any Amendment Thereto, and any Other Documents Necessary to Secure a Workforce Housing Reward Grant for Low Income Housing from the State of California, Department of Housing and Community Development
- 5.e Adopted **Community Redevelopment Agency Resolution No. 354-07** Amending ROMA Design Group Contract for City Project No. 01-34 to Provide Construction Support Services for BART Site Contract No 01VJ-110 and BART Station Contract No. 01VJ-120
- 5.f Adopted **Community Redevelopment Agency Resolution No. 353-07** authorizing the Executive Director to execute the Petition and Consent and Waiver with respect to annexation of specific Agency owned property into CFD No. 2006-1; adopted **Resolution No. 3329-07** of the City Council of the City of Union City declaring its intention to authorize the annexation of territory to Community Facilities District No. 2006-1 (Public Services); and, adopted **Resolution No. 3330-07** of the City Council of the City of Union City adopting boundary map showing territory proposed to be annexed in the future to Community Facilities District No. 2006-1 (Public Services). These resolutions begin the annexation process of the Agency owned property at 1100 Decoto Road (former PG&E property) and the block bordered by Mission Blvd., D Street, 2nd Street, and E Street.
- 5.g Adopted **Resolution No. 3331-07** appropriating \$2 million of DIPSA funds (Fund 2300) for the combined 11th Street Enhancement and Decoto Road Connector projects (City projects 90509 and 90572), substituting for RDA bond funds (Fund 9123) previously appropriated
- 5.h Adopted **Resolution No. 3332-07** Awarding Construction Contract and Construction Support Services Contract for Line M Box Culvert Construction (Phases 2&3), City Project No. 04-23
- 5.j Rejected Claim No. 694, filed by Lydia Leapaga, as recommended by the City's Claims Administrator
- 5.k Introduced an Ordinance of the City Council of the City of Union City Adopting a Program for the Use of Eminent Domain by the Community Redevelopment Agency of the City of Union City Pursuant to SB 53

Consideration of item 5.i removed from the consent calendar.

- 5.i Adopt Resolution Awarding Contract for UCB/Whipple Road Intersection Improvements & Landscape Improvements, City Project No. 06-12 & 02-17

Mayor Green inquired if work could be accomplished during the upcoming school spring break. Public Works Director Cheng estimated it would take six months to complete the project, with the bulk of the work likely to be accomplished during the summer school break.

It was moved by Mayor Green, seconded by Vice Mayor Valle, to adopt **Resolution No. 3333-07** awarding a contract for the UCB/Whipple road intersection improvements and landscape improvements, City Project No. 06-12 and 02-17.

Motion carried unanimously.

VI. PUBLIC HEARINGS -None

VII. CITY MANAGER REPORTS

7.a Approve First Allocation of Developer Provided Business Retention Funds to Three (3) Automotive Repair Businesses on Union Square Report

Economic and Community Development Director Leonard presented the staff report and responded to questions from Councilmembers.

Usman Sadiq expressed opposition and read aloud a statement, prepared by attorney Robert Lane, on behalf of four auto repair related Union Square tenants. Mattie Rousseau stated she felt it unfair for businesses unable to find another location within Union City, and suggested the funds could be used for other purposes. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Vice Mayor Navarro, to approve the requests from the three businesses and authorize staff to make payments to help retain those businesses in Union City under the terms described in the staff report, specifically authorizing payments up to a total of \$252,038.70 (\$250,838.70 plus \$1,200 for hoist engineering) to cover the costs reflected below. The balance of the funds will be held for relocation expenses for these or other auto repair businesses.

AYES: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Navarro, Mayor Green.
NOES: None.
ABSENT: None
ABSTAIN: None

	<u>Mitsu</u>	<u>Bay Star</u>	<u>Brake&Clutch</u>	<u>Total</u>
Moving and new equipment	\$37,526.83	\$55,982.52	\$40,657.35	\$134,166.70
Floor sealing	\$9,187.47	\$11,988.00	\$9,187.47	\$30,362.94
Computers	\$3,080.00	\$4,761.19	\$1,302.50	\$9,143.69
Telephone	\$3,816.88	\$4,284.50	\$4,433.99	\$12,535.37
Security System	\$1,325.00	\$1,440.00	\$1,325.00	\$4,090.00
Cabinets / Reception Counter	\$10,180.00**	\$10,180.00**	\$10,180.00**	\$30,540.00
Advertising	<u>\$10,000.00 *</u>	<u>\$10,000.00*</u>	<u>\$10,000.00*</u>	<u>\$30,000.00</u>
Totals	\$75,116.18	\$98,636.21	\$77,086.31	\$250,838.70

* Union City Brake and Clutch requested \$14,174.50 for advertising. The other two businesses did not submit a request for advertising. Recommendation is for an advertising fund of \$10,000 for each business.

** Bay Star Auto requested \$10,180 for cabinets and a reception counter. Recommendation is to authorize a similar fund for the other two businesses.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS

- 10.a Report and Recommendations from the Public Art Review Board Regarding Public Art for the Intermodal Transit Station East Plaza

Deputy City Manager/Leisure Services Director Acosta presented the staff report and responded to questions from Councilmembers.

Ursula Jhaveri requested clarification of the staff recommendation. Carmen Saldo var spoke in favor of the Public Art Review Board's findings. There were no other speakers on the matter.

It was moved by Mayor Green, seconded by Councilmember Valle, that the City Council/Redevelopment Agency approve the purchase of the Derbre sculptures ("The Dancers") by the Agency, in accordance with the proposed design of the Intermodal East Plaza. Motion carried unanimously.

XI. ORAL COMMUNICATIONS

Barry Ferrier expressed concern about graffiti on the wall south of Whipple, visible when riding on BART.

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 reported attending an Airport Noise Forum meeting and presented information he had received at the meeting related to sustaining aviation through innovation.

Councilmember Valle stated he would be attending an Alameda County Community Action Program meeting next week.

Councilmember Dutra-Vernaci stated she would be attending meetings regarding Housing and the League of California Cities.

Mayor Green stated he had attended a Waste Management session related to composting, noting Union City or Hayward may be proposed as potential transfer station sites.

Mayor Green stated the CMA had authorized \$125,000 for CNG vehicles.

Mayor Green stated he had attended an ABAG presentation last week regarding regional transportation plan updates.

Mayor Green stated Fremont Councilmember Wieckowski is a strong proponent for a regional rail system for the Tri-City area, and that the city of Newark may be showing some interest as well. The CMA will be meeting on rail issues in May, and Mayor Green suggested it would be a good idea for the three cities to meet (between April 17 and May) to establish a coherent, unified, collective position on rail issues before the CMA meeting.

XIV. GOOD OF THE ORDER

Councilmember Valle requested scheduling a discussion regarding a proposed zoning code amendment prohibiting super stores, similar to one recently adopted by the city of Livermore.

Councilmember Fernandez noted some street light outages.

Vice Mayor Navarro expressed his appreciation for the repairs to street lights recently made by Public Works staff.

Mayor Green expressed concern about the graffiti on the Alvarado Middle School easterly wall, between Smith and Dyer.

Mayor Green adjourned the regular meeting to Closed Session at 8:45 p.m.

XV. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--POTENTIAL LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code (Several Cases)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Section 54956.8 of the Government Code
Property: 3939 Smith Street, Union City ("Holly House")
City and Redevelopment Agency Negotiators: Larry Cheeves, Mark Leonard, Vern Smith, Tony Acosta
Negotiating Parties: Filipino Community of Alvarado and Vicinity, Inc. ("FCAV")
The City/RDA negotiators will be receiving direction regarding above property.

Councilmember Fernandez recused himself and exited the room.

XVI. ADJOURNMENT

Mayor Green adjourned the Closed Session with no reportable action at 9:55 p.m.

Respectfully submitted,
Renee Elliott
City Clerk