

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

**TUESDAY, MAY 08, 2007
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

Mayor Green called the meeting to order at 7:13 p.m.

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

I.b Roll Call

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

Absent: None

Mayor Green announced there was no reportable action from the closed session held earlier this evening.

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Proclamation Recognizing May as Older Americans Month

Mayor Green read the proclamation aloud and presented it to Senior Commission Chairperson Munsayac, Commissioner Aylsworth and Commissioner McNamara. Chairperson Munsayac expressed her appreciation on behalf of fellow commission members as well as the senior community.

3.b Proclamation of the City Council designating May 13-19, 2007 as National Police Week

Mayor Green read the proclamation aloud and presented it to Lieutenant Ben Horner and Police Officers Chuck Tonnacliff, and Mike Ward. Lieutenant Horner expressed appreciation on behalf of the Union City Police Department, and noted the award would be shared with fellow staff members in the Police service.

3.c Proclamation Designating May 20-26, 2007 as Emergency Medical Services Week

Mayor Green read the proclamation aloud and presented it to EMS Chief Rivers, who expressed her appreciation on behalf of the Union City Fire Department. EMS Chief Rivers spoke about a recent call that emergency medical service staff had responded to, and showed a pre-taped message of appreciation from survivor Randy Sandoval, acknowledging the work of the EMT and Paramedic staff who had responded to his

medical emergency. EMS Chief Rivers then presented a *Certificate of Excellence* to Mr. Sandoval's co-worker, Eugene Casey, who had administered cardio pulmonary resuscitation to Mr. Sandoval until emergency medical staff could arrive on the scene.

3.d Resolution Honoring Carl Denyer as Firefighter/Paramedic of the Year 2007 and Resolution Honoring Sam LoBese as Firefighter/EMT of the Year

Mayor Green read the resolutions aloud and presented them to honoree's Carl Denyer and San LoBese, each of whom expressed their appreciation and acknowledged coworkers in the police and fire departments.

IV. ORAL COMMUNICATIONS

Dev Bhatia expressed numerous concerns regarding the administration of the Union City Historical Museum.

Pam Burnor expressed concern regarding trees along the Alameda Creek Trail that are covered with English ivy and dying. Ms. Burnor stated she had spoken to the Board of Supervisors as well as Flood Control District staff who claimed it was the city's responsibility to maintain the trees. City Manager Cheeves responded that the city has a license agreement with regard to the maintenance of the pavement on the trail only, and that city staff has spoken with the county previously about tree maintenance and would do so again. Ms. Burnor will give staff an exact location that the city can reference.

Hugh McNamara expressed concern about debris and fire hazards from tall grass in vacant lots.

V. CONSENT CALENDAR

Consent Calendar item 5.e was removed for separate consideration.

It was moved by Councilmember Fernandez, seconded by Vice Mayor Navarro, to approve Consent Items 5.a through 5.d, and 5.f through 5.i, 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 Regular Meeting of April 10, 2007 and April 24, 2007
- 5.c Adopted **Resolution No. 3351-07** Authorizing the Filing of an Application for Federal Congestion Mitigation and Air Quality Improvement Funding and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project for Three Compressed Natural Gas Trucks, City Project No. 07-08
- 5.d Adopted **Resolution No. 3352-07** Approving the 2007-2008 Action Plan and Authorizing the City Manager to submit the 2007-08 Action Plan and Application to HUD for Community Development Block Grant Funding

- 5.f Adopted **Resolution No. 3353-07** Approving Final Tract Map 7733, 34100 Seventh Street (Formerly Norcal Steel Site) , City of Union City Redevelopment Agency
- 5.g Adopted **Resolution No. 3354-07** Amending the City Compensation Plan for unrepresented part-time employees to address impacts of the January 2007 increase in the California Minimum Wage
- 5.h Adopted **Resolution No. 3355-07** Awarding a Contract for Engineering Services to South City Limits, for the Mission Boulevard Underground District Decoto Road Underground District No. 19, City Project No. 07-06
- 5.i Rejected Claim No. 696 filed by Larry Ramsey, through his attorney Jeremy Pasternak, as recommended by the City's Claims Administrator

Consideration of Item 5.e removed from the Consent Calendar:

- 5.e Adopt a resolution Appointing Michael Rodriquez as Assistant City Attorney

City Attorney Riback responded to questions from Councilmember Valle, noting Mr. Rodriquez would be attending planning commission meetings beginning June 2007; would be available to other departments for advice and assistance; and, will eventually attend City Council meetings in the City Attorney's absence.

It was moved by Councilmember Valle, seconded by Councilmember Dutra-Vernaci, to adopt **Resolution No. 3356-07** appointing Michael Rodriquez as assistant city attorney. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.a Joint Public Hearing of the City Council and Community Redevelopment Agency to Consider Adopting Resolutions to Amend the Disposition and Development Agreement with Stern and Company for the development of eight (8) affordable single-family homes located at 34100 7th Street (former Nor Cal Steel property) in Union City

HCD Coordinator Smith presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Hugh McNamara spoke in favor of the project. There were no other speakers on the matter. Mayor Green closed the public hearing.

It was moved by Vice Mayor Navarro, seconded by Councilmember Fernandez, to approve:

- 1) **City Council Resolution No. 3357-07** authorizing execution by the Community Redevelopment Agency of Union City of a First Amendment Disposition and Development Agreement with Stern & Company, and making Statutory Findings and Approvals in Connection with Development of Eight Affordable Single-Family Homes in the Decoto Neighborhood Portion of the Union City Community Redevelopment Project Area; and,

- 2) **Community Redevelopment Agency Resolution No. 356-07** authorizing Execution of a First Amendment to Disposition and Development Agreement with Stern & Company approving a Grant in the amount of \$500,000 and making statutory findings and approvals in connection with development of eight affordable single-family homes in the Decoto neighborhood portion of the Union City Community Redevelopment project area.

Motion carried unanimously.

- 6.b Public Hearing to Consider the Adoption of a Resolution Approving Tentative Tract Map, TTM 7902, to Reconfigure Several Existing Underlying Lots that Together Measure .99 acres into Five (5) Parcels Measuring Between 7,327 square feet and 10,101 square feet, Site Development Review (SD-02-07) for Development of Four (4) Single-Family Residences on Proposed Parcels 2,3,4,and 5 and a Detached Garage on Proposed Parcel 1 and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for Property Located at 30891 & 30935 Vallejo Street

Councilmember Fernandez recused himself and exited the Council Chambers at 7:58 p.m.

Senior Planner Campbell presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. Applicant Sylvia Burton spoke in favor of the project, but expressed opposition to Condition 35 requiring additional parking; Condition 34 requiring restoration of the historical home before issuance of a building permit for the fourth new home; and, Condition 32 pertaining to naming the private access "Tay Court" preferring, in the alternative, "Brune Place". Jan Pierson, a partner in the Vallejo Street project, spoke in favor of the project, but expressed opposition to Condition 35 requiring additional parking. There were no other speakers on the matter. Applicant Burton requested Council consider authorizing a grant, or reducing or waiving fees, associated with the restoration of the historic home. Mayor Green closed the public hearing.

Police Chief Stewart responded to an inquiry about potential parking complaints by clarifying that any parking issues pertaining to a roadway designated as a fire lane would be responded to by police staff.

It was moved by Mayor Green, seconded by Councilmember Valle, and the City Council:

- 1) held the public hearing;
- 1) approved the Tentative Tract Map and Site Development Review applications;
- 2) adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,
- 3) adopted **Resolution No. 3358-07** approving Tentative Tract Map 7902 and Site Development Review SD-02-07, including the condition that the name of the private access shall be "Brune Place" and, subject to approval by the Public Works Department, the adjacent Tay Avenue shall be renamed Brune Place. The impact

on people who currently have an address on Tay Avenue shall be considered when evaluating the feasibility of a street name change as well as the historical context of the name "Tay". The applicant shall install signage at the entrance to the private access that indicates parking provided on-site is private and shall be reserved for guests of the development.

Ayes: Councilmembers Dutra-Vernaci, Valle, Vice Mayor Navarro, Mayor Green
Noes: None
Absent: Councilmember Fernandez (recused)
Abstain: None

Mayor Green recessed the meeting at 8:52 p.m.

Mayor Green reconvened the meeting at 9:10 p.m. with all Councilmembers present.

- 6.c Annexation of Territory ("Annexation No. 1") to City of Union City Community Facilities District No. 2006-1. Properties proposed to be annexed are owned by the Community Redevelopment Agency of the City of Union City and are located at (1) 1100 Decoto Road (former PG&E property), APN 87-19-4-2, and (2) the block bordered by Mission Blvd., D Street, 2nd Street, and E Street, APNs 486-3-29, 486-3-28, 486-3-30, 486-3-35, 466-3-34-3, and 486-3-34-4. Adopt the resolutions: (1) Authorizing the annexation of territory to Community Facilities District No. 2006-1 and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors, (2) Calling a special election and submitting to the voters of Annexation No. 1 of City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 1 to finance public services, and the establishment of an appropriations limit, (3) Making certain findings, certifying the results of an election, and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 1, and (4) Authorizing the Administrative Services Director to execute the Notice of Release of Special Tax Lien with respect to Community Facilities District No. 96-1 on the Agency owned property located at 1100 Decoto Road (former PG&E property), APN 87-19-4-2, thereby releasing such property from its inclusion in Community Facilities District No. 96-1.

Management Analyst Sprotte presented the staff report and responded to questions from Councilmembers.

Mayor Green opened the public hearing. The City Clerk acknowledged that:

- notice of the public hearing had been published on April 14, 2007
- since less than 12 persons were registered to vote within the territory of the proposed District, the vote would be by the landowners of the proposed annexation area
- each landowner had submitted an executed Consent and Waiver, waiving noticing and election requirements in connection with the Mello-Roos Community Facilities Act of 1982
- no written protests were received from the landowners within the District and, therefore a majority protest did not exist.

There were no speakers in opposition to the annexation of territory to Community Facilities District No. 2006-1 or related matters. It was moved by Mayor Green,

seconded by Vice Mayor Navarro, to close the public hearing. Motion carried unanimously.

The City Clerk acknowledged that 100% of the Consent and Waivers had been received and that the special election could be conducted. Mayor Green stated that, because a majority protest did not exist, it was appropriate for the City Council to consider resolutions regarding the annexation of territory and to call a special election within the annexation area.

It was moved by Councilmember Valle, seconded by Councilmember Fernandez, to approve **Resolution No. 3359-07** authorizing the annexation of territory to Community Facilities District No. 2006-1, and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors. Motion carried unanimously.

It was moved by Vice Mayor Navarro, seconded by Councilmember Valle, to approve **Resolution No. 3360-07** calling a special election and submitting to the voters of Annexation No. 1 of the City of Union City Community Facilities District No. 2006-1 (Public Services) propositions regarding the annual levy of special taxes within Annexation No. 1 to finance public services, and the establishment of an appropriations limit. Motion carried unanimously.

Mayor Green asked if there were any further ballots to be submitted to the City Clerk. Hearing none, the City Clerk proceeded to canvass the ballots as follows:

- verified the information on the sealed ballot return envelope
- opened the ballot return envelope and counted the votes
- executed the *Certificate of Election Official and Statement of Votes Cast*
- reported the election results as follows:
 - On Proposition A, 32 votes were cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition A was approved with a 100% vote in favor.
 - On Proposition B, 32 votes were cast in support of the proposition and 0 votes were cast in opposition to the proposition. Therefore, Proposition B was approved with a 100% vote in favor.

It was moved by Councilmember Valle, seconded by Councilmember Fernandez, to approve **Resolution No. 3361-07** making certain findings, certifying the results of the election, and adding property to Community Facilities District No. 2006-1 (Public Services), Annexation No. 1. Motion carried unanimously.

It was moved by Vice Mayor Navarro, seconded by Councilmember Valle, to approve **Resolution No. 3362-07** authorizing the Administrative Services Director to execute the Release of Special Tax with respect to Community Facilities District No. 96-1 on the Agency Owned Property Located at 1100 Decoto Road (Former PG&E Property), APN 87-19-4-2. Motion carried unanimously.

VII. CITY MANAGER REPORTS - None

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. ORAL COMMUNICATIONS - None

XII. SCHEDULED ORAL COMMUNICATION

12.a Request Council Support for SB 840 (Single Payer Universal Healthcare) by Syeda Yunus, Healthcare Specialist, League of Women Voters of Fremont, Newark and Union City (10 minutes)

Mayor Green recused himself and exited the Council Chambers at 9:19 p.m.

Vice Mayor Navarro greeted the speaker.

Syeda Yunus introduced pharmacist Kim Ballard, and the speakers provided a brief overview of the single payer universal healthcare proposal, and responded to questions from Councilmembers.

Councilmembers requested staff agendaize the matter for consideration at a future Council meeting.

Mayor Green returned to the Council Chambers at 9:32 p.m.

XIII. ITEMS REFERRED BY COUNCIL

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

Mayor Green reported attending a Waste Management meeting where it was discussed that Alameda County cities would each agendaize, for discussion, funding to support a 75% diversion rate by 2010. Mayor Green noted Union City's diversion rate was 62% in 2005, and requested staff agendaize the matter for discussion at the May 22, 2007 Council meeting.

Mayor Green encouraged staff to visit the Waste Management office building, which carries a Platinum rating. City Manager Cheeves stated that, as chair, he had arranged for a City Managers Association meeting to be held at the Waste Management office building. Community and Economic Development Director Leonard stated the Alameda County Planning Director's would be holding a meeting there as well.

XIV. GOOD OF THE ORDER

Councilmember Dutra-Vernaci stated she had received a letter from a resident requesting that more streets be striped for bicycle lanes in the industrial area. Deputy City Manager Acosta stated staff would be reviewing applications for bicycle transportation grant opportunities later this week, with a primary focus on bicycle lanes, and actively pursuing that option.

Councilmember Valle complemented staff on the Mission Gateway project and inquired about status of the Olsen property. Community and Economic Development Director Leonard stated staff continues to work with Olsen representatives on an agreement.

Councilmember Fernandez complemented staff of having available, in the lobby of City Hall, a customer service form to assist residents and customers.

Vice Mayor Navarro stated he had received a complaint from members of the Wild Rose Community regarding an opening in Shorty Garcia Park, and unwelcome traffic and vandalism. City Manager Cheeves stated he had spoken with staff regarding the issue, and that the Police Chief, Deputy City Manager, and Public Works Director were compiling information regarding the situation. The City Manager noted a concern is that the area in question is a part of Shorty Garcia Park and was sold to the Decoto community as having more amenities than simply a soccer field. Therefore, it would be difficult to fence off a portion of the park from the rest of the park to make it accessible to only a small portion of residents in the community. Staff will continue to study the matter and will report back to the Council.

Mayor Green stated the dedication and opening festivities for the new Accinelli Park had gone well, and the park and its soccer fields were a welcome addition for the community.

Councilmember Dutra-Vernaci complemented staff on the monument containing the history of the Accinelli family.

Mayor Green stated two special meetings would be scheduled for June 5 and June 7, 2007, to discuss the budget.

Councilmember Fernandez announced the Asian Festival would be held at the Buddhist Temple in Alvarado-Niles on May 12, 2007.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Renee Elliott, City Clerk