

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

**TUESDAY, OCTOBER 28, 2008
7:00 P.M.**

**COUNCIL CHAMBERS
34009 ALVARADO NILES ROAD**

I. CALL TO ORDER

I.a Pledge of Allegiance

I.b Roll Call

Mayor Mark Green

Vice Mayor Manny Fernandez

Councilmember Carol Dutra-Vernaci

Councilmember Jim Navarro

Councilmember Richard Valle

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS - None

IV. ORAL COMMUNICATIONS

Comments from the audience on non-agenda items will be accepted for a period of 30 minutes. Speakers are limited to three minutes each. Persons wishing to speak must complete a speaker card available at the rear of the Council Chamber or from the City Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XI of the agenda.

V. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine in nature and will be enacted by one motion. If discussion is required on a specific item, it will be removed from the Consent Calendar and considered separately.

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 Approve Minutes for the Special and Regular Meetings of October 14, 2008

5.c Reject Claim No. 684, submitted by Alvin Bernard, as Recommended by the City's Claims Administrator

5.d Reject Claim No. 754, submitted by CF Archibald Paving, Inc., as Recommended by the City's Claims Administrator

5.e Reject Claim No. 756, submitted by Laverne Buffett, as Recommended by the City's Claims Administrator

- 5.f Adopt a Resolution Awarding a Contract for the City Hall Backup Generator, City Project No. 08-11
- 5.g Adopt a Resolution Declaring Certain Surplus Vehicles and Equipment as Surplus and Authorizing Auction
- 5.h Adopt a Resolution Reappointing Current Public Art Board Members for an Additional Term

VI. PUBLIC HEARINGS

- 6.a Introduction of Ordinance for Municipal Code Amendment, AT-06-08, to Amend Section 2.27.030 to Increase the Term of Office for Public Art Board Members From Two to Four Years

VII. CITY MANAGER REPORTS

- 7.a Adopt a Resolution Approving the Fire Department Strategic Plan and Standards of Cover Analysis
- 7.b Fiscal Year 2008-09 1st Quarter Report on Budget to Actual Results; Budget Adjustments for FY 2008-09; and Check Disbursement Listing for the period July 1 through September 30, 2008

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

XIV. GOOD OF THE ORDER

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

*-A complete agenda packet is available for review at City Hall or on our website www.unioncity.org
-Any writings or documents provided to a majority of City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall, located at 34009 Alvarado-Niles Road, Union City, California, during normal business hours.
-Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least two working days in advance of the meeting by contacting the City Clerk at (510) 675-5348.*

MINUTES OF SPECIAL MEETING

CITY OF UNION CITY CITY COUNCIL MEETING

Tuesday, October 14, 2008
6:30 P.M.

Police Conference Room
34009 Alvarado Niles Road

I. CALL TO ORDER

Mayor Green called the special meeting to order at 6:35 p.m.

Roll Call

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

Absent: None

II. ORAL COMMUNICATIONS - None

III. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

Property: 1100 Decoto Road, APN 087-0019-004-02

Negotiating Parties:

Seller: Economic and Community Development Director Leonard
Redevelopment Agency Manager Evanoff
Buyer: Mid-Peninsula Housing Coalition
Barry Swenson Builder

Under negotiation: Price and terms

IV. ADJOURNMENT

Mayor Green adjourned the special meeting at 7:12 p.m.

Respectfully submitted,

Renee Elliott
City Clerk

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

**TUESDAY, OCTOBER 14, 2008
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 earlier this evening.

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

I.b Roll Call

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

Absent: None

II. UNFINISHED BUSINESS - None

III. PROCLAMATIONS AND PRESENTATIONS

3.a Presentation of the Hetch Hetchy Water System Improvement Program by Surinderjeet "Jeet" Bajwa, Program Deputy Director for San Francisco Public Utilities Commission

San Francisco Public Utilities Commission Deputy Director Baiwa presented information regarding the Hetch Hetchy Water System Improvement Program, and responded to questions from Councilmembers.

3.b County Silver Sentinel Drill Update and Hayward Fault Presentation

Fire Chief Rodriguez presented the staff report and responded to questions from Councilmembers. Assistant Fire Chief Smith spoke about an upcoming Duck-Cover-Hold drill on October 23, 2008, which will conclude with an EOC exercise training session. Community and Economic Development Director Leonard spoke about seismic retrofitting of structures in Union City, and noted the next building code update could include provisions regarding retrofitting.

IV. ORAL COMMUNICATIONS

Christian Hodgen expressed opposition to Measure UU.

Vince Fernelius inquired about the code section that allows for only one year of refund to be reimbursed for the 911 fee. City Attorney Riback stated Government Code Section 911.2 was the appropriate reference pertaining to claims for money against public entities.

Lynne Mattos spoke about the low per capita tax rate in Union City, and expressed support for Measure UU.

V. CONSENT CALENDAR

It was moved by Vice Mayor Fernandez, seconded by Councilmember Valle, to approve Consent Items 5.a through 5.h as recommended by staff. Motion approved unanimously.

- 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 for the Special and Regular Meetings of September 23, 2008
- 5.c Approved Minutes for the Special Meeting & Work Session of October 9, 2008
- 5.d Adopted **Resolution No. 3715-08** Appropriating Sixty Thousand Dollars (\$60,000) from the Leisure Enterprise Fund (Fund 2010) to the Leisure Services Department Operating Budget for Computer Replacements and Upgrades during Fiscal Year 2008-09
- 5.e Adopted **Resolution No. 3716-08** Accepting and Appropriating Grant Funds from Alameda County Waste Management Authority for a Bay-Friendly Landscape Grant for Alvarado Boulevard Median Renovation, City Project No. 05-26
- 5.f Adopted **Resolution No. 3717-08** Establishing an Appropriation (Gann) Limit for Fiscal Year 2008/09
- 5.g Adopted **Resolution No. 3718-08** Granting a 299.60 Square Foot Aboveground and Underground Water Facilities Easement to Alameda County Water District for Provision of Water Service to the City's Fire Station No. 3, City Project No. 03-05
- 5.h Adopted **Resolution No. 3719-08** Accepting and Appropriating the Community Oriented Policing Services Technology Program Grant

VI. PUBLIC HEARINGS - None

VII. CITY MANAGER REPORTS

- 7.a Report and Recommendations on Interim Spending Reductions Required to Balance the Fiscal Year 2008-09 Budget

Deputy City Manager Acosta presented the staff report and responded to questions from Councilmembers. City Manager Cheeves responded to questions regarding the reduction of Fire Department overtime.

Police Athletic League (PAL) Board Member Tim Guterrez spoke in support of continuing the PAL organization.

It was moved by Vice Mayor Fernandez, seconded by Councilmember Dutra-Vernaci, to approve the proposed Interim Spending Reduction Plan for Fiscal Year 2008-09, including further spending reductions in the General Fund as follows:

- Fire Department overtime reduced five percent (5%)
- Transferring the Police Department's PAL Officer to the Patrol Division and keeping the PAL Officer position vacant for the remainder of FY 2008-09
- Make-A-Difference-Day overtime reduced fifty percent (50%).

Motion carried unanimously.

VIII. REDEVELOPMENT AGENCY - None

IX. AUTHORITIES AND AGENCIES - None

X. CITY COMMISSION/COMMITTEE REPORTS - None

XI. SECOND ORAL COMMUNICATIONS - None

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 Dutra-Vernaci provided an overview of the various sessions presented at the 2008 League of California Cities conference she attended at the end of September.

Mayor Green announced Administrative Services Director Rich Digre will be a member of the CMA Audit Committee.

Mayor Green stated Waste Management had received 41 applications for the position vacated by former Executive Direction Karen Smith.

Mayor Green stated he had attended an EDAB awards ceremony for green business practices.

Mayor Green spoke about the need for widening Hesperian Boulevard, above Whipple to Industrial, to mitigate the anticipated traffic impacts that are certain to occur once the Costco store opens in mid to late 2009. Mayor Green spoke of the importance of both cities meeting to discuss the matter.

XIV. GOOD OF THE ORDER

Councilmember Navarro expressed his appreciation to Public Works Director Cheng for the signage placed at the new fire station.

Councilmember Navarro announced the Filipino Heritage Association of the East Bay will be sponsoring a free flu vaccination event on November 22 at Fire Station No. 1.

Vice Mayor Fernandez spoke about an aphid infestation in Old Alvarado, and requested staff investigate the matter.

Mayor Green expressed concern about the illegal placement of political signs in the city.

Mayor Green inquired about the status of the equestrian creek project. Deputy City Manager Acosta provided a brief status update related to property ownership, and the impact of a levee retrofit project on the north side of Alameda Creek.

Mayor Green inquired about the mini-Turk Island site. Community and Economic Development Director Leonard provided a brief status update.

XV. CLOSED SESSION - None

XVI. ADJOURNMENT

Mayor Green adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Renee Elliott
City Clerk



DATE: October 28, 2008

TO: Mayor and Councilmembers

FROM: Renee Elliott, City Clerk

SUBJECT: Reject Claim No. 684, filed by Alvin Bernard, as Recommended by the City's Claims Administrator

BACKGROUND

A timely claim was filed by Alvin Bernard on November 14, 2006. Claimant is seeking additional compensation for property damages which allegedly occurred to a concrete driveway on his property from tree roots emanating from a City of Union City tree.

FISCAL IMPACT

None at this time.

RECOMMENDATION.

Reject Claim No. 684, filed by Alvin Bernard, as recommended by the City's Claims Administrator.

Submitted by:
Renee Elliott
City Clerk

Approved by:
Larry Cheeves
City Manager



DATE: October 28, 2008

TO: Mayor and Councilmembers

FROM: Renee Elliott, City Clerk

SUBJECT: Reject Claim No. 754, filed by C.F. Archibald Paving, Inc., as Recommended by the City's Claims Administrator

BACKGROUND

A timely claim was filed by C.F. Archibald Paving, Inc. on September 4, 2008. Claimant is seeking compensation for damages which allegedly occurred as the result of removing and redeploying construction equipment parked on a City street.

FISCAL IMPACT

None at this time.

RECOMMENDATION.

Reject Claim No. 754, filed by C.F. Archibald Paving, Inc., as recommended by the City's Claims Administrator.

Submitted by:
Renee Elliott
City Clerk

Approved by:
Larry Cheeves
City Manager



DATE: October 28, 2008

TO: Mayor and Councilmembers

FROM: Renee Elliott, City Clerk

SUBJECT: Reject Claim No. 756, filed by Laverne Buffett, as Recommended by the City's Claims Administrator

BACKGROUND

A timely claim was filed by Laverne Buffett on September 30, 2008. Claimant is seeking compensation for damages which allegedly occurred as the result of an incident on September 26, 2008, from which she is claiming wrongful arrest, excessive force resulting in injury, and denial of medical treatment.

FISCAL IMPACT

None at this time.

RECOMMENDATION.

Reject Claim No. 756, filed by Laverne Buffett, as recommended by the City's Claims Administrator.

Submitted by:
Renee Elliott
City Clerk

Approved by:
Larry Cheeves
City Manager



DATE: OCTOBER 28, 2008

TO: CITY COUNCIL

FROM: MINTZE CHENG, PUBLIC WORKS DIRECTOR

SUBJECT: AWARD OF CONTRACT TO ATLAS-PELLIZZARI ELECTRIC FOR CITY HALL BACKUP GENERATOR REPLACEMENT, PROJECT NO. 08-11

BACKGROUND:

The emergency generator at City Hall was installed at the time the Civic Center Building was originally constructed. Since that time power demands in the City Hall complex have increased significantly, mainly due to new technologies (computer, printer, copier, phone, and etc.) and number of staff. The demand for emergency power has tripled since installation of the emergency generator.

At approximately 8:45 a.m. on Monday May 12, 2008 the City experienced a power outage and spike which resulted in damage to the existing emergency generator at City Hall. Since the incident, efforts have been made to repair the existing generator while a rental portable generator provides emergency "back-up" power. It has been determined that further repairs are not feasible due to the age of the equipment and availability of parts.

On July 22, 2008, City Council approved a fund appropriation request for the City Hall Emergency Generator Replacement, Project No. 08-11. Funding for this project was appropriated from the General Fund Council Capital Reserve.

DISCUSSION:

This project consists of the installation of a new backup generator and a remote fuel port system for City Hall. Seven bids were received and opened on Thursday, October 9, 2008. The apparent low bidder was Atlas-Pellizzari Electric of Redwood City, California in the amount of \$213,750.00. The tabulation of the bid results is as follows:

COMPANY	BID AMOUNT
Atlas-Pellizzari Electric	\$ 213,750.00
Union Electric Construction, Inc.	\$ 217,100.00
R.A.N. Electric Inc.	\$ 226,000.00
DAN Electric	\$ 237,000.00
ERA Construction Inc.	\$ 240,900.00
Bay Construction Company	\$ 250,800.00
Blocka Construction	\$ 261,750.00

A bid protest was filed by the 2nd low bidder (Union Electric Construction) regarding the Atlas-Pellizzari Electric insurance information in the bid package. Atlas-Pellizzari submitted additional information clarifying that their insurance policy did meet City requirements at the time of bid. The City Attorney has reviewed the issue and determined that the Atlas-Pellizzari bid should be considered a responsive bid.

Staff contacted references from other similar projects in which Atlas-Pellizzari Electric completed backup generator installations. Atlas-Pellizzari Electric has completed several similar backup generator projects for the College of San Mateo and the references provided very positive feedback regarding the expertise and professionalism of Atlas-Pellizzari Electric.

Thus, staff recommends that the contract be awarded to Atlas-Pellizzari.

FISCAL IMPACT:

City Council appropriated \$300,000 from the General Fund Council Capital Reserve for this project. There are sufficient funds available in the project account for award of this contract.

RECOMMENDATION:

It is recommended that the City Council award the construction contract to Atlas-Pellizzari Electric of Redwood City, California, in the amount of \$213,750.00 by adoption of the attached resolution.

Prepared by:
Henry Louie, City Engineer

Submitted by:
Mintze Cheng, Public Works Director

Approved by:
Larry Cheeves, City Manager

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AWARDING CONTRACT TO ATLAS-PELLIZZARI ELECTRIC
FOR THE CITY HALL EMERGENCY GENERATOR
REPLACEMENT, CITY PROJECT NO. 08-11**

WHEREAS, the City Clerk of Union City has, upon due notice, received seven (7) bids for the City Hall Emergency Generator Replacement, City Project No. 08-11; and

WHEREAS, Atlas-Pellizzari Electric of Redwood City, CA was the low bidder for this project in the amount of \$213,750; and

WHEREAS, funds are available in the General Fund Capital Reserve to fund this purpose.

NOW THEREFORE, BE IT RESOLVED by the City Council of Union City, that Atlas-Pellizzari Electric be awarded the contract for the City Hall Emergency Generator Replacement, City Project No. 08-11 in the amount of \$213,750 and

BE IT FURTHER RESOLVED that the City Manager of the City of Union City is hereby authorized and directed to execute the hereinabove mentioned contract in the name of the City of Union City.



DATE: OCTOBER 28, 2008
TO: CITY COUNCIL
FROM: MINTZE CHENG, PUBLIC WORKS DIRECTOR
SUBJECT: ADOPT A RESOLUTION DECLARING CERTAIN SURPLUS VEHICLES AND EQUIPMENT AS SURPLUS AND AUTHORIZING AUCTION

INTRODUCTION:

The Public Works Department is presenting a list of out-of-service vehicles and equipment to go to public auction.

BACKGROUND:

There are four city vehicles and seven pieces of miscellaneous city equipment which have reached the end of their usable service life (based on maintenance costs, mileage, and use) as follows:

TABLE #1

YEAR	MAKE	MODEL	VEHICLE/EQUIPMENT IDENTIFICATION #	CITY UNIT	MILEAGE
2001	FORD	CROWN VICTORIA	2FAFP71W8ZX131236	111	104,852
2000	FORD	EXPLORER	1FMZU6U6ZX7YZ92822	206	110,303
1988	CHEVY	C30 1-TON VAN	1GCGG35K5J7170479	118	68,918 *
1985	INGERSOLL RAND	COMPRESSOR	1927HRS146162485953	N/A	N/A
2002	FORD	CROWN VICTORIA	2FAF871W42X157493	123	99,241
1970	Unknown	Unknown	Upright scaffold ladder	n/a	n/a
1989	Speedaire	Unknown	Pressure tank	n/a	n/a
1985	Egnich	Unknown	Concrete mixer	n/a	n/a
Pre 1990	John Deere	Unknown	Garden tractor	316	n/a
Pre 1990	Onan	12.5 genset	Generator	n/a	n/a
1974	Howard	Unknown	Rototiller	n/a	n/a

* This was a Police Department van. Although mileage is low, it had a lot of idle time usage. Interior and electrical wires were beyond repair as well.

DISCUSSION:

All of the vehicles and equipment are determined to be in poor condition for municipal use and have been determined to be too costly to maintain.

Pursuant to provisions of municipal code section 2.32.250, after City Council action tonight, staff will prepare the surplus vehicles and equipment for auction.

FISCAL IMPACT:

Money received from the auction will be deposited to the vehicle replacement account.

RECOMMENDATION:

It is recommended that the City Council adopt a resolution declaring certain vehicles and equipment as surplus and authorizing certain vehicles to auction, as shown on Table 1 attached to the said resolution.

Prepared by:
Richard Sealana
Public Works Superintendent

Submitted by:
Mintze Cheng
Public Works Director

Approved by:
Larry Cheeves
City Manager

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
DECLARING CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND
AUTHORIZING AUCTION**

WHEREAS, there has been presented to the City Council of the City of Union City a list of city vehicles and as attached herewith in Table 1 that are no longer in use by the City of Union City; and

WHEREAS, said vehicles and equipment have been declared unusable and surplus by the City Council of the City of Union City:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Union City that those certain vehicles and equipment declared surplus be disposed of by the City of Union City in accordance with provisions of the Union City Municipal Code section 2.32.250;

BE IT FURTHER RESOLVED that said vehicles and equipment will be sent to auction and sold with the proceeds to be returned to the equipment replacement fund.

TABLE 1, Surplus Vehicles

YEAR	MAKE	MODEL	VEHICLE/EQUIPMENT IDENTIFICATION #	CITY UNIT	MILEAGE
2001	FORD	CROWN VICTORIA	2FAFP71W8ZX131236	111	104,852
2000	FORD	EXPLORER	1FMZU6U6ZX7YZ92822	206	110,303
1988	CHEVY	C30 1-TON VAN	1GCGG35K5J7170479	118	68,918
1985	INGERSOLL RAND	COMPRESSOR	1927HRS146162485953	N/A	N/A
2002	FORD	CROWN VICTORTIA	2FAF871W42X157493	123	99,241
1970	Unknown	Unknown	Upright scaffold ladder	n/a	n/a
1989	Speedaire	Unknown	Pressure tank	n/a	n/a
1985	Egnich	Unknown	Concrete mixer	n/a	n/a
Pre 1990	John Deere	Unknown	Garden tractor	316	n/a
Pre 1990	Onan	12.5 genset	Generator	n/a	n/a
1974	Howard	Unknown	Rototiller	n/a	n/a



DATE: OCTOBER 28, 2008
TO: CITY COUNCIL
FROM: MARK LEONARD, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ADOPT A RESOLUTION REAPPOINTING CURRENT PUBLIC ART BOARD MEMBERS FOR AN ADDITIONAL TERM

BACKGROUND

The term of office for four current Public Art Board (PAB) members expired on October 24, 2008. The PAB is made up of five members including one youth between the ages of 16-24, one resident at large and three artists with active portfolios. The youth position was created in July 2008 when the City Council approved amendments to the Municipal Code regarding the administration of the PAB. A recruitment process is currently underway for this position.

The following PAB members submitted applications for reappointment:

<u>Name</u>	<u>Date of Original Appointment</u>
Dee Bueno (Artist)	October 24, 2006
Diane La Mountaine (Artist)	October 24, 2006
Enrique Romero (Artist)	October 24, 2006
David Epps (Resident)	November 14, 2006

Based on feedback from the City Council, a related Municipal Code amendment (AT-06-08) is currently in process to increase the terms of office for PAB members from two to four years to be consistent with the terms of the City's other Commissions. The attached resolution states that the reappointment is for a four-year term subject to approval of the Municipal Code amendment. The attached resolution also clarifies that if the amendment is not approved, than the reappointment will be for a two-year term.

FISCAL IMPACT - None

RECOMMENDATION

Adopt a resolution reappointing Dee Bueno, Diane La Mountaine, Enrique Romero and David Epps to the Public Art Board for an additional term.

Prepared by:
Carmela Campbell, Senior Planner

Submitted by:
Mark Leonard, Economic & Community Development Director

Approved by:
Larry Cheeves, City Manager

CITY COUNCIL RESOLUTION NUMBER XX-08

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF UNION CITY REAPPOINTING CURRENT PUBLIC
ART BOARD MEMBERS FOR AN ADDITIONAL TERM**

WHEREAS, the Public Art Board is made up of five members including one youth between the ages of 16-24, one resident at large and three artists with active portfolios; and

WHEREAS, a recruitment process is currently underway for the youth position; and

WHEREAS, the following remaining Public Art Board member's terms expired on October 24, 2008: Dee Bueno, Diane La Mountaine, Enrique Romero, and David Epps; and

WHEREAS, all of the current members submitted applications for reappointment; and

WHEREAS, the City is sponsoring a Municipal Code Amendment, AT-06-08, to increase the Public Art Board member's term of office from two years to four years; and

WHEREAS, reappointments to the Public Art Board will be for a four-year term unless the associated Municipal Code amendment is not approved, which would result in reappointment to a two-year term; and

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby reappointed to serve on the City of Union City Public Art Board for a four-year term that will expire on October 24, 2012, subject to approval of Municipal Code Amendment AT-06-08.

Dee Bueno (Artist)
Diane La Mountaine (Artist)
Enrique Romero (Artist)
David Epps (Resident)



DATE: OCTOBER 28, 2008

TO: CITY COUNCIL

FROM: MARK LEONARD, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE FOR MUNICIPAL CODE AMENDMENT, AT-06-08, TO AMEND CHAPTER 2.27 TO INCREASE THE TERM OF OFFICE FOR PUBLIC ART BOARD MEMBERS FROM TWO TO FOUR YEARS

BACKGROUND

The City Council provided feedback to staff to increase the term of office for members of the Public Art Board from two to four years. This request resulted in a minor change to Municipal Code Section 2.27.030.

DISCUSSION

This amendment will make the Public Art Board's terms consistent with the City's Commissions including the Planning Commission, Park and Recreation Commission, and Senior Commission.

FISCAL IMPACT - None

RECOMMENDATION

Staff recommends that the City Council introduce the attached ordinance to amend Section 2.27.030 of the Union City Municipal Code to increase the term of office for Public Art Board members from two to four years; waive the first reading of said ordinance and approve reading the title only.

Attachment 1: Draft Ordinance

Prepared by:
Carmela Campbell, AICP
Senior Planner

Submitted by:
Mark Leonard
Economic & Community Development Director

Approved by:
Larry Cheeves
City Manager

CITY COUNCIL ORDINANCE NUMBER # -08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AMENDING MUNICIPAL CODE SECTION 2.27.030 TO INCREASE THE TERM OF
OFFICE FOR PUBLIC ART BOARD MEMBERS FROM TWO TO FOUR YEARS**

RECITALS

WHEREAS, the City Council has requested that the term of office for Public Art Board members be increased from two to four years to be more consistent with the City's Commissions including the Planning Commission, Park & Recreation Commission and Senior Commission.

NOW, THEREFORE, the City Council of the City of Union City hereby ordains:

SECTION 1. Section 2.27.030 of the Union City Municipal Code is amended to read as follows:

2.27.030 Term of Office.

The term of office of the members of the Public Art Board shall be four years and members may be reappointed. At the expiration of the term so provided for, a successor shall be appointed by the Mayor with the concurrence of at least three members of the City Council. Each Public Art Board member so appointed shall serve until his/her successor is appointed and qualified. Any vacancy among the appointed members shall be filled through appointment and qualified. Any vacancy among the appointed members shall be filled through appointment by the Mayor with the concurrence of at least three members of the City Council for the unexpired portion of the term.

SECTION 2. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This ordinance shall become effective thirty days from and after its adoption.



DATE: October 28, 2008

TO: City Council

FROM: Carlos Rodriguez, Fire Chief

SUBJECT: REPORT ON FIRE DEPARTMENT STANDARDS OF COVER AND STRATEGIC PLAN

This is a written, visual and verbal presentation to the City Council to inform on current Fire, Rescue, EMS and Emergency Management capabilities of the Fire Department. The Strategic Plan and Standards of Cover document offers the City Council data and options to consider for future emergency services response for the Fire Department as funding becomes available.

BACKGROUND

In fiscal years 2007-2008, Fire Chief Carlos Rodriguez requested and received budget approval to develop a Strategic Plan and conduct a Standards of Cover Study.

Strategic Plan:

The purpose of the Strategic Plan was to establish a "starting point" and basic preliminary direction to begin moving the organization forward with a set of organized and accountable goals and objectives. The Study was completed with extensive stakeholder involvement from all levels and divisions of the fire department, including labor leadership. The process yielded new mission, vision and core values which will guide the department in customer service, daily decision making and long range planning. A comprehensive set of goals and objectives were developed for each major functional area of the department; Operations, Training, Safety, Fire Prevention, Administration, Emergency Management, and Multi-Agency Cooperation.

Standards of Cover:

The Standards of Cover Study provides City Council and Staff with comprehensive information from which short to long-range data-driven decisions could be made that directly impact community needs, future service demands, firefighter safety, future budgets, planning and Regional cooperation. Furthermore, the Standards of Cover Study was a goal within the Strategic Plan.

Mr. Ronny Coleman, principal of Emergency Services Consulting (ESCI), was commissioned to conduct the Standards of Cover Study. The primary scope of the study was a review of how the department operates with respect to deployment (i.e., emergency response, unit distribution and unit concentration) and non-deployment (i.e., non-emergency operations, fire prevention activities and administration) functions. The deployment review included analysis of such information as fire station location, resource deployment, number of frontline and reserve fire apparatus, age and condition of apparatus and equipment, number of responders, level of responder training, types of incidents, response routes, times and more. The non-deployment functions consisted of such items as departmental decision making, planning, administrative

functionality, facilities, apparatus and equipment replacement, fire prevention programs, and fiscal efficiency.

In an effort to provide the best possible data driven process, an extremely significant and critical Operational Analysis was necessary to evaluate emergency response capabilities to fire, medical and rescue incidents in comparison to industry standards to provide recommendations and direction to Council and Staff.

The methodology used was inclusive and comprehensive. The analysis included an in-depth review of critical documents, critical task analysis, response data, travel networks, and interviews with key stakeholders including Council Members, the City Manager, Deputy City Manager, other City departments, department management staff, line personnel, and Labor representative.

The information gathered during the data review phase was analyzed and then compared to a variety of industry standards that included Insurance Services Office (ISO), the National Fire Protection Association (NFPA), Center for Public Safety Excellence (CPSE), neighboring jurisdictions, and the practices of similar fire service organizations with like-sized jurisdictional demographics.

DISCUSSION

Staff has reviewed the Study and supports the associated recommendations to improve fire service staffing and service delivery, enhance Union City's ISO rating, improve training and safety, implement administrative and prevention efficiencies, along with each of the other goals and objectives. However, when considering the recommendations, staff acknowledges the current and potential future fiscal challenges facing the City of Union City. Therefore, a calculated measured approach to implementation is prudent with an emphasis on life safety, both to the citizenry and firefighters, along with identified community risk reduction measures.

FISCAL IMPACT

Each area within the Strategic Plan and accompanying Standards of Cover analysis requires various funding levels. Staff will continually evaluate the needs and priorities outlined in these two guiding documents to make sound recommendations in seeking budgetary funds to accomplish high priority goals and objectives.

RECOMMENDATION

Staff recommends that the City Council approve the attached resolution adopting the Fire Department Strategic Plan and Standards of Cover.

Attachment: Resolution

*Enclosures:

June 2008 Standards of Cover
Annex to Union City Fire Department Standards of Cover
Strategic Plan 2007

*Hardcopies distributed with packet, public reference copy available in City Clerk's Office.

CITY COUNCIL RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
ADOPTING THE FIRE DEPARTMENT STRATEGIC PLAN AND STANDARDS
OF COVER ANALYSIS**

WHEREAS, Fire Department staff requested and received budget approval for fiscal years 06/07-07/08 to develop a Strategic Plan and conduct a Standards of Cover analysis (“Study”) and;

WHEREAS, Staff has reviewed the Study and supports the associated recommendations to improve fire service staffing and service delivery, enhance Union City’s ISO rating, improve training and safety, implement administrative and prevention efficiencies, along with each of the other goals and objectives and;

WHEREAS, Staff acknowledges the current and potential future fiscal challenges facing Union City and;

WHEREAS, a calculated, measured approach to implementation is prudent, with an emphasis on life safety, both of the citizenry and firefighters, along with identified community risk reduction measures and;

WHEREAS, Staff will continually evaluate the community and department needs when setting priorities to accomplish goals outlined in these two guiding documents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Union City does hereby adopt the Fire Department Strategic Plan and Standards of Cover analysis.



DATE: October 28, 2008

TO: City Council

FROM: Richard Digre, Administrative Services Director

SUBJECT: Fiscal Year 2008-09 1st Quarter Report on Budget to Actual Results and Check Disbursement Listing for the period July 1 through September 30, 2008.

This report provides the following:

- An analysis of the City's General Fund finances (revenues and expenses) through the first quarter of the 2008-09 fiscal year, including amendments to the General Fund Budget following the loss of the 911 Emergency Communication Fee.
- A comparison of the results of operations with the financial plan contained in the Annual Budget as well as the prior fiscal year; and
- The Quarterly Disbursement Report for July 1, 2008 through September 30, 2008.

This report is somewhat limited in its ability to project the financial position at the end of the fiscal year for the following reasons:

- Major revenues from the principal revenue source - Property Taxes are not received until December and April.
- Three months activity is a limited period to evaluate and project the year's result from operations.
- The major Sales Tax generator - Christmas Holiday is not included until the third and fourth quarters.

Although this report does not include projections for year-end results, subsequent reports will include these projections based on additional information and data.

BACKGROUND

The City Council has directed staff to provide a quarterly report on the financial condition of the City's General Fund. The intent of this report is to keep the City Council informed of recent developments affecting the City's General Fund finances, to take appropriate actions

Council Report – 1st Quarter FY 2008-09 Budget to Actual

October 28, 2008

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when necessary, and to ensure the ability of the City to meet its commitments and obligations contained in the budgetary plan.

DISCUSSION

General Fund revenues and expenditures are summarized in the attached schedules. Including adjustments to the General Fund Budget as a result of the loss of the 911 Emergency Communication Fee, overall, with 25 % of the fiscal year elapsed, the City's General Fund is within the target plan with revenues slightly exceeding expectations and expenditures staying within revised budgetary allocations.

Revenues: General Fund Revenues collected during the first three months of the fiscal year are 4.1% higher than the previous fiscal year (FY 2008-09 à \$5,034,618 vs. FY 2007-08 à \$4,836,134). However, this is likely not indicative of real General Fund revenue growth as the 1st quarter of FY 2008-09 saw the receipt of \$610,000 in unsecured property taxes, whereas the 1st quarter of FY 2007-08 did not record any property tax receipts during the first quarter of the fiscal year. This is likely a timing issue of receipt that will be resolved in the next Quarterly Report.

City's Major Revenue Generating Categories:

The following provides a detailed analysis of the City's top five (5) revenue generating categories that comprise 84.2% of the General Fund's estimated revenue for FY 2008-09.

Property Tax – collections are ahead of last year (FY 2008-09 à \$609,668 vs. FY 2007-08 à \$0), but again, this is likely due to a revenue timing issue and should even itself out later in the fiscal year. Most of the City's Property Tax revenues do not significantly materialize until December and April when the two installments are due. Since Property Taxes are the City's largest revenue source and make up 47.5% of the total General Fund estimated revenues for FY 2008-09, they will be closely followed.

Sales Tax – collections are 4.4% higher than last year at this time in the fiscal year (FY 2008-09 à \$1,307,498 vs. FY 2007-08 à \$1,252,660). Estimates are that by year-end, Sales Tax collections will actually show negative growth when compared to the previous fiscal year. Sales Tax collections make up 15.4% of the total estimated revenues for FY 2008-09.

Franchise Fees – collections are 13.4% higher than last year at this point in the fiscal year (FY 2008-09 à \$286,943 vs. FY 2007-08 à \$252,961). This is due to growth in Disposal Franchise Fees and servicing of new homes in Union City. Overall, the collections are on target and are projected to slightly increase above the previous year. Franchise Fee collections currently make up 8.8% of the total estimated revenues for FY 2008-09.

Current Services Charges – collections are 19.6% less than last year at this point in the fiscal year (FY 2007-08 à \$670,023 vs. FY 2007-08 à \$883,226). Much of this is due to year over year decreases in Building Plan Check Fees (-\$170,000) and UC Sports Center Memberships (-\$20,000). Nevertheless, staff expects year-end revenue estimates to be met and will monitor

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October 28, 2008

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Current Service Charges closely to determine whether corrective action will be necessary. Current Service Charges make up 7.7% of the total estimated revenues for FY 2008-09.

Building & Misc. Permits – collections are 40.2% less than last year at this point in the fiscal year (FY 2008-09 à \$228,619 vs. FY 2007-08 à \$382,068). Given the housing and credit market problems, this is troubling and staff will closely monitor permits to make sure they are meeting year-end projections. Building & Misc. Permits collections make up 4.7% of the total General Fund estimated revenue for FY 2008-09.

Expenditures: With the first three months of FY 2008-09 completed, expenditures were \$9,689,470 or 23.4% of the annual appropriation of \$41.47 million. In comparison, FY 2007-08 actual expenditures equaled \$9,292,056 or 23.3% of the total expenses for the year as of the end of the first quarter. Overall, the expense rate is projected to be within budget at year end.

With one-quarter of the year elapsed, it is difficult to predict the future activities of each department. Consequently, with the exception of the Fire Department, departmental expenditures are within a reasonable range of expenses at this time.

FISCAL IMPACT

At this point in the fiscal year and following the loss of the 911 Emergency Communication Fee, and Council adjustments to the General Fund adopted at the Council meetings on September 23rd and October 14, 2007, the General Fund Budget is in balance there are no additional recommendations for adjustments to FY 2008-09 expenditure allocations or revenue estimates at this time.

RECOMMENDATION

It is recommended that the City Council accept this informational report.

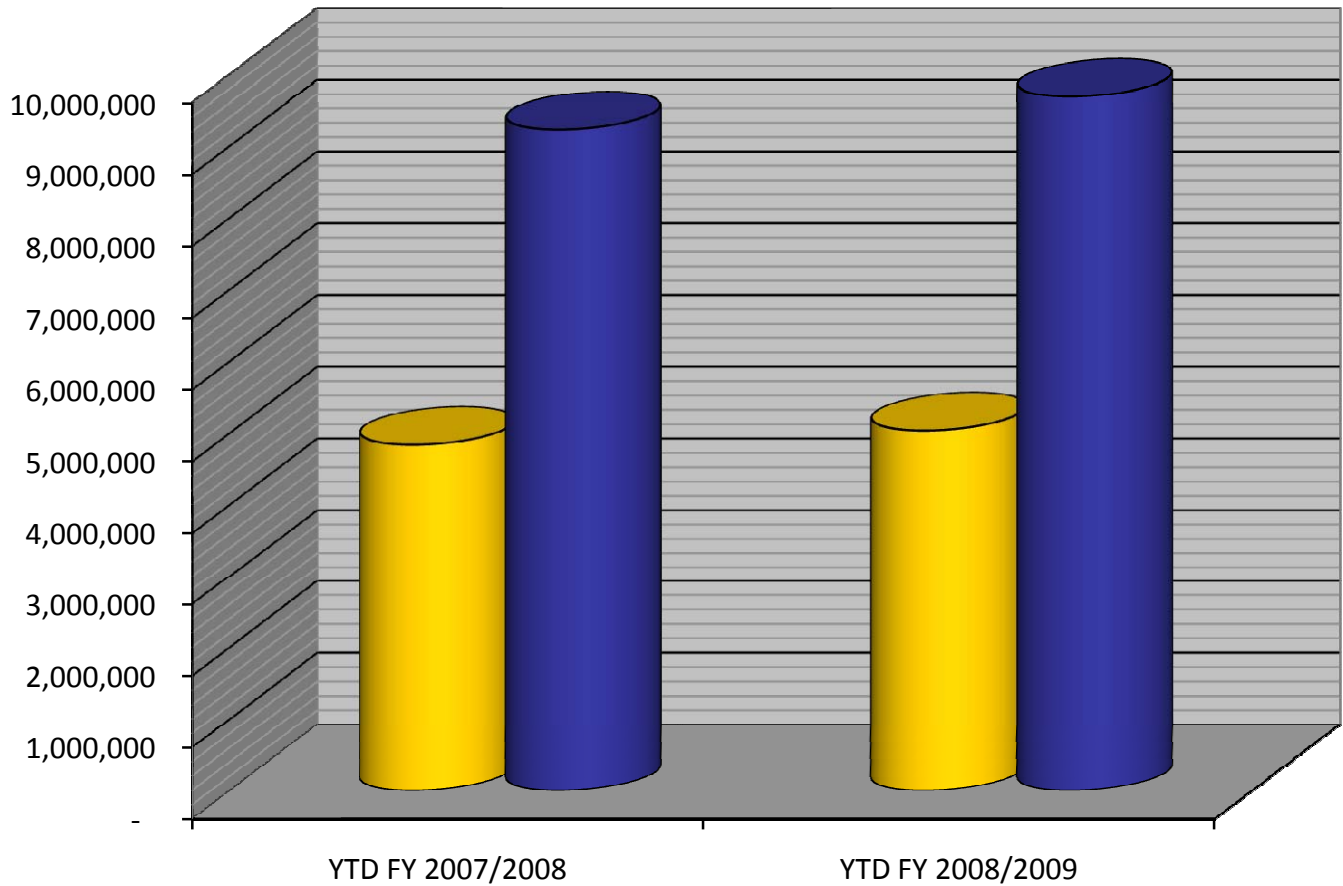
Prepared by:
Will Fuentes
Management Analyst

Submitted by:
Richard Digre
Administrative Services Director

Approved by:
Larry Cheeves
City Manager

**General Fund Revenue vs Expenditure Comparison
September 30, 2008 YTD (Un-Audited) Report
FY 2008/2009**

■ REVENUES AND SOURCES OF FUNDS
 ■ EXPENDITURES AND USES OF FUNDS



	YTD FY 2007/2008	YTD FY 2008/2009
REVENUES AND SOURCES OF FUNDS	4,836,134	5,034,618
EXPENDITURES AND USES OF FUNDS	9,229,306	9,689,470
SURPLUS (DEFICIT)	(4,393,172)	(4,654,853)

CITY OF UNION CITY
GENERAL FUND REVENUE VS. EXPENDITURE COMPARISON
September 30, 2008 YTD - FY 2008/09

	FY 2007/08				FY 2008/2009				YTD GROWTH FROM PRIOR YR.
	PRIOR YEAR END UN-AUDITED ACTUALS	PRIOR SEPT 30 YTD UN-AUDITED ACTUALS	<<<< DIFF. (\$)	<<<< DIFF. (%)	CURRENT YEAR AMENDED BUDGET	CURRENT SEPT 30 YTD UN-AUDITED ACTUALS	<<<< DIFF. (\$)	<<<< DIFF. (%)	
REVENUES									
A Property Taxes	18,048,674	-	(18,048,674)	0.00%	18,935,900	609,668	(18,326,232)	3.22%	>100%
B Sales Tax	6,247,205	1,252,660	(4,994,545)	20.05%	6,156,900	1,307,498	(4,849,402)	21.24%	4.38%
C Franchise Fees	3,511,989	252,961	(3,259,028)	7.20%	3,522,700	286,943	(3,235,757)	8.15%	13.43%
D Vehicle License Fees	320,697	94,283	(226,414)	29.40%	330,300	92,168	(238,132)	27.90%	-2.24%
E Current Service Charges	2,932,690	833,226	(2,099,464)	28.41%	3,060,100	670,023	(2,390,077)	21.90%	-19.59%
F Building & Misc. Permits	1,579,077	382,068	(1,197,009)	24.20%	1,867,539	228,619	(1,638,920)	12.24%	-40.16%
G Misc. County Revenues	904,577	136,026	(768,551)	15.04%	723,900	223,587	(500,313)	30.89%	64.37%
H Business License Taxes	830,835	653,607	(177,228)	78.67%	857,200	736,802	(120,398)	85.95%	12.73%
I Federal Revenues	132,280	-	(132,280)	0.00%	10,300	-	(10,300)	0.00%	N/A
J Investment Income	864,393	208,566	(655,827)	24.13%	861,100	208,546	(652,554)	24.22%	-0.01%
K Fines & Penalties	997,567	130,030	(867,537)	13.03%	1,007,500	168,829	(838,671)	16.76%	29.84%
L Real Property Tax Transfers	200,662	48,826	(151,836)	24.33%	208,700	50,884	(157,816)	24.38%	4.21%
M Other State Revenues	98,796	41,222	(57,574)	41.72%	85,300	18,966	(66,334)	22.23%	-53.99%
N Other Funding Sources	1,637,507	351,774	(1,285,733)	21.48%	1,759,200	316,735	(1,442,465)	18.00%	-9.96%
Total Revenues	38,306,949	4,385,249	(33,921,700)	11.45%	39,386,639	4,919,268	(34,467,371)	12.49%	12.18%
OTHER FINANCING SOURCES									
B Transfer In from PBID Fund	448,000	112,000	(336,000)	25.00%	461,400	115,350	(346,050)	25.00%	2.99% a)
C Transfer In from Pen. Oblig. Bond Fund	300,000	75,000	(225,000)	25.00%					
D Transfer In from Misc Funds	1,642	411	(1,232)	25.00%					
E Carryover of PO's fr. Prior Year Fund Bal.	1,053,898	263,475	(790,424)	25.00%					
Total Other Financing Sources	1,803,540	450,885	(1,352,655)	25.00%	461,400	115,350	(346,050)	25.00%	-74.42%
TOTAL REVENUES + OTHER FINANCING SOURCES	40,110,489	4,836,134	(35,274,355)	12.06%	39,848,039	5,034,618	(34,813,421)	12.63%	4.10%
EXPENDITURES									
A City Council & Commissions	225,139	57,118	168,021	25.37%	223,796	48,834	174,962	21.82%	-14.50%
B City Manager	696,720	130,273	566,447	18.70%	623,015	201,779	421,236	32.39%	54.89%
C City Attorney	676,768	31,340	645,428	4.63%	436,500	62,160	374,340	14.24%	98.34%
D City Clerk	263,972	57,995	205,977	21.97%	436,859	60,324	376,535	13.81%	4.02%
E Administrative Services	4,042,596	969,200	3,073,396	23.97%	4,252,370	1,098,952	3,153,418	25.84%	13.39%
F Economic & Comm. Development	1,732,186	484,792	1,247,394	27.99%	1,370,424	294,924	1,075,500	21.52%	-39.16%
G Fire Department	10,349,948	2,596,061	7,753,887	25.08%	9,529,305	2,585,842	6,943,463	27.14%	-0.39%
H Leisure Department	2,547,533	525,353	2,022,180	20.62%	2,600,203	619,789	1,980,414	23.84%	17.98%
I Police Department	14,425,085	3,341,453	11,083,632	23.16%	17,158,234	3,621,826	13,536,408	21.11%	8.39%
J Public Works	3,650,446	768,473	2,881,973	21.05%	3,726,704	812,817	2,913,887	21.81%	5.77%
K Non-Departmental	12,098	-	12,098	0.00%	-	4,975	(4,975)	N/A	>100%
Total Expenditures	38,622,491	8,962,058	25,001,164	23.20%	40,357,410	9,412,222	26,444,697	23.32%	5.02%
OTHER FINANCING USES									
B Transfer (Out) to Parcel Tax Fund	165,993	41,498	124,495	25.00%	165,993	41,498	124,495	25.00%	0.00% a)
C Transfer (Out) to Capital Projects Fund	10,000	2,500	7,500	25.00%					
D Transfer (Out) to OPEB Reserve	893,000	223,250	669,750	25.00%	893,000	223,250	669,750	25.00%	0.00% a)
E Transfers (Out) to Council CIP Reserve	-	-	-		50,000	12,500	37,500	25.00%	>100% a)
Total Other Financing Uses	1,068,993	267,248	801,745	25.00%	1,108,993	277,248	831,745	25.00%	3.74%
TOTAL EXPENDITURES + OTHER FINANCING USES	39,691,484	9,229,306	801,745	23.25%	41,466,403	9,689,470	831,745	23.37%	4.99%
NET CHANGE IN FUND BALANCE	419,005	(4,393,172)			(1,618,364)	(4,654,853)			

Notes:

a) Accrual at 25% of budget; doesn't reflect actual activity