



AGENDA

CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

**Tuesday, July 25, 2017
7:00 PM**

Council Chamber

34009 Alvarado-Niles Road

THIS MEETING WILL BE TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH COUNCILMEMBER LORRIN ELLIS, FROM 331 SEMINARY ROAD MILFORD, NY 13807. THE TELECONFERENCE LOCATION SHALL BE ACCESSIBLE TO THE PUBLIC FOR THE PUBLIC PORTION OF THIS MEETING PURSUANT TO GOVERNMENT CODE SECTION 54953.3.

1. CALL TO ORDER

- 1.a. Pledge of Allegiance
- 1.b. Roll Call

*Mayor Carol Dutra-Vernaci
Vice Mayor Pat Gacoscos
Councilmember Emily Duncan
Councilmember Lorrin Ellis
Councilmember Gary Singh*

2. UNFINISHED BUSINESS - None

3. PROCLAMATIONS AND PRESENTATIONS

- 3.a. Proclamation from the Office of Alameda County Supervisor Richard Valle in Recognition of the Retirement of Tommie Lindsey
- 3.b. Proclamation Recognizing Gayle Okada for Her Years of

Service to Union City, in Honor of Her Retirement

- 3.c. Certificate of Recognition Presented to the City of Union City for their Efforts in the Healthy Eating Active Living Cities Campaign (HEAL)
- 3.d. Presentation of Business Recognition Awards: Mizuho OSI

4. 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.

5. 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. 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. Approve the Minutes for the Regular City Council Meeting of July 11, 2017
- 5.c. Second Reading and Adoption of an Ordinance of the City of Union City Reauthorizing the Public, Educational, and Government (PEG) Fee on State Cable Franchisees Operating within the City and Amending Section 5.38.040 of the Union City Municipal Code
- 5.d. Adopt a Resolution Adjusting the FY 17/18 Master Fee Schedule Operational Fire Code Permits Fee

6. PUBLIC HEARINGS

- 6.a. Conduct a Public Hearing on the Assessment of Liens Against Certain Properties Located in the City of Union City for Delinquent Solid Waste, Recycling and Organic Waste Service Charges; Adopt a Resolution Approving the Filing of Assessable Liens Against Certain Properties Located in the City of Union City for Delinquent Solid Waste, Recycling and Organic Waste Service Charges and Directing Staff to Forward Such Liens to the Alameda County Tax Assessor and Auditor-Controller for Placement on the Fiscal Year 2017-18 Secured Property Tax Roll

7. **CITY MANAGER REPORTS - None**
8. **SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None**
9. **AUTHORITIES AND AGENCIES - None**
10. **CITY COMMISSION / COMMITTEE REPORTS - None**
11. **SECOND ORAL COMMUNICATIONS**
12. **SCHEDULED ORAL COMMUNICATION - None**
13. **ITEMS REFERRED BY COUNCIL**

Oral Reports by Mayor and Councilmembers on meetings of County or Regional Board and Commissions

*Alameda County Fire Department Advisory Commission
 Alameda County Library Advisory Commission
 Alameda County Mayors Conference
 Alameda County Transportation Commission (ACTC)
 Alameda County Waste Management Authority (WMA)
 Association of Bay Area Governments (ABAG)
 City of Union City Audit Subcommittee
 City of Union City Municipal Code Subcommittee
 City of Union City Youth Violence Prevention & Intervention
 Advisory Committee (YVIP)
 Disaster Council
 Dumbarton Rail Corridor Policy Advisory Committee
 East Bay Community Energy Board of Directors (EBCE)
 East Bay Economic Development Alliance (EDA)
 East Bay Regional Communications System Authority
 (EBRCSA)
 Economic Development Advisory Team (EDAT)
 General Plan Advisory Committee (GPAC)
 Housing Authority of the County of Alameda (HACA)
 League of California Cities, East Bay Division (LOCC)
 Metropolitan Transportation Commission (MTC)
 New Haven Unified School District Joint Sub-Committee
 Oakland Airport Community Noise Management Forum
 Teen Center Project Updates
 Union City Chamber of Commerce
 US Conference of Mayors*

14. **GOOD OF THE ORDER**
15. **CLOSED SESSION - None**
16. **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.



Agenda Item



Agenda Item

ATTACHMENTS:

Description	Type
 Proclamation in Honor of Tommie Lindsey Jr.	Attachment

Tommie Lindsey

Honoring Tommie Lindsey for his contributions to education both inside and outside the classroom as a Teacher, Mentor, and Role Model.

July 25, 2017

Whereas, Tommie Lindsey graduated from the University of San Francisco with a degree in Communication Arts and Social Science as the first African American valedictorian; and,

Whereas, Tommie first taught public speaking at Alameda County Juvenile Hall in 1976; it was there that he decided he wanted to reach these students before they got to Juvenile Hall; and,

Whereas, Tommie went on to create an all African American male Life Skills class at James Logan High School, a program recognized by Phi Delta Kappa's Academic Journal for the University of Northern Iowa in February 2012 for providing an environment that promotes inclusion, builds security, enhances meaning, and engenders competence; and,

Whereas, this publication has been an asset for educators across the country, helping to replicate **Tommie's** class model in their own districts; and,

Whereas, Tommie's life skills class formed the James Logan High Forensics team in 1984, and under Tommie's leadership his teams have won several national and state titles, regularly outranking the country's elite schools; and,

Whereas, Tommie has co-authored the book "It Doesn't Take A Genius" that encapsulates the life experiences and growth of many of his top former student competitors in both their academic and professional careers beyond high school; and,

Whereas, Tommie and the James Logan High School Forensics program were the feature of a 2001 documentary entitled "Accidental Hero: Room 408" that won critical acclaim at the Ashland International Film Festival, the CineQuest Film Festival, and the Hot Springs Documentary Film Institute, which caught the attention of Oprah Winfrey who awarded **Tommie** with her Angel Award; and,

Whereas, for over 20 years former James Logan High School Forensics team competitors have gone on to coach at both the high school and collegiate programs since their graduation, which serves as a testament to the program's commitment to students who are at risk or who come from troubled backgrounds. This is reflective of the tremendous legacy and honor of **Tommie Lindsey** and the power of his words as he reminds us to "Use your voices as your drums until social justice becomes the rhythm of the land;" and,

Now, therefore, this Board of Supervisors, County of Alameda, State of California, does hereby commend **Tommie Lindsey** for his dedication and contribution to education. We are grateful to **Tommie** for providing us with his lasting legacy.

***Wilma Chan, President
Supervisor, Third District***

***Richard Valle, Vice President
Supervisor, Second District***

***Scott Haggerty
Supervisor, First District***

***Nate Miley
Supervisor, Fourth District***

***Keith Carson
Supervisor, Fifth District***



Agenda Item

ATTACHMENTS:

Description	Type
 Proclamation	Attachment

CITY OF UNION CITY

PROCLAMATION



Recognizing Gayle Okada for her years of service to Union City, in honor of her retirement

WHEREAS, Gayle began her service with the City of Union City as an Accountant on January 9, 1989; was promoted to Senior Accountant in 1999; and worked in the role of Acting Supervising Accountant in 2006; and

WHEREAS, Gayle filled the role of Acting Supervising Accountant for six months, proving herself to be capable and detail-oriented, resulting in her permanent promotion to the title of Supervising Accountant in 2006; and

WHEREAS, Gayle assisted in the development of numerous accounting systems and programs throughout the years; establishing an institutional knowledge of the financial and accounting systems of the City that are unparalleled; and

WHEREAS, Gayle was relied upon by numerous city employees in every department, to whom she always provided her assistance, expertise, and astute skills with numbers; and

WHEREAS, the City is fortunate to have had the service of such a longstanding employee whose years of service total 28; and

WHEREAS, the public officials and staff of the City of Union City are privileged to have worked with Gayle, and wish her luck and happiness in her retirement; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City does hereby proclaim the City's profound appreciation of Gayle Okada for her service and commitment to Union City and its people.

Dated: July 25, 2017

CAROL DUTRA-VERNACI, Mayor

PAT GACOSCOS, Vice Mayor

EMILY DUNCAN Councilmember

LORRIN ELLIS, Councilmember

GARY SINGH, Councilmember



Agenda Item

ATTACHMENTS:

Description	Type
 Draft Minutes of the Regular City Council Meeting of July 11, 2017	Attachment



MINUTES

CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

**Tuesday, July 11, 2017
7:00 PM**

**Council Chamber
34009 Alvarado-Niles Road**

1. CALL TO ORDER

Vice Mayor Gacoscos called the meeting to order at 7:00 p.m.

1.a. Pledge of Allegiance

Vice Mayor Gacoscos led the salute to the flag

1.b. Roll Call

Present: Councilmembers Duncan, Ellis and Singh, Vice Mayor Gacoscos

Absent: Mayor Dutra-Vernaci

2. UNFINISHED BUSINESS - None

3. PROCLAMATIONS AND PRESENTATIONS - None

4. ORAL COMMUNICATIONS

Josiah Larson requested an update on the City's Climate Action Plan (CAP) and any progress towards the City's stated goals within the CAP. Mr. Larson identified a need for and named several optimal locations for electrical vehicle charging stations.

Laurie Pascual requested the City oppose Senate Bill 649 (Hueso). Ms. Pasqual also expressed her personal views against "Sanctuary Cities", and "illegal immigrant aliens".

Alex Pandrangi spoke about a web based venue reservation portal called Squadz. Mr. Pandrangi provided Council with promotional literature and his contact information.

Dave Bhatia expressed concerns about the temperature settings and energy conservation efforts at the Ruggieri Senior Center and asked if there was any type of energy study planned in the near future.

Staff provided response to Mr. Larson and Mr. Bhatia.

5. **CONSENT CALENDAR**

It was moved by Councilmember Ellis and seconded by Councilmember Duncan, to adopt consent calendar items 5.a. through 5.d. The motion was approved by the following voice vote:

AYES: Councilmembers Duncan, Ellis and Singh, Vice Mayor Gacoscos
NOES: None
ABSENT: Mayor Dutra-Vernaci
ABSTAIN: None

- 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 the Minutes of the Special and Regular City Council Meetings Held on June 27, 2017
- 5.c. Adopted **Resolution 5101-17** Creating the Job Classification of Community Development Technician and Amending the City of Union City Compensation Plan and Authorized Position List
- 5.d. Adopted **Resolution 5102-17** of the City Council of the City of Union City to Amend the Consulting Services Agreement with Mintier Harnish for the General Plan Update Project and Authorizing the City Manager to Execute the Amendment in a Form Approved by the City Attorney to Increase Additional Compensation in the Amount not to Exceed \$149,920, and to Increase the Duration of the Agreement and to Augment the Scope of Services to Cover Additional Public Meetings and Workshops, Update Traffic Counts, Support Policy Development, and Further Develop Focus Areas.

6. **PUBLIC HEARINGS**

- 6.a. Public Hearing for Renewal of Landscape & Lighting District No.3

City Engineer Thomas Ruark presented the staff report, noting that the assessment rate has not been changed for 20 years (same level since 1996-97 fiscal year). Services provided include street lighting, street traffic signals, street landscaping, urban forestry, and a portion of parks maintenance.

Noting the \$1.5 million expense to the budget, Council requested staff conduct outreach to the public on the potential of indexing the assessment to the rate of inflation. Council also expressed a concern about getting to the point where service cannot be provided with the same reliability if the assessment remains the same.

City Manager Acosta stated staff will conduct social media outreach and come back with findings in approximately 60-90 days.

Vice Mayor Gacoscas opened the public hearing and called for public comment.

Dave Bhatia stated the City should look at how energy can be further conserved before considering an increase.

Being no further comment, Vice Mayor Gacoscas closed the public hearing.

City Manager Acosta stated the City has a conservation plan in place and solar panels will be installed on City facilities where it is architecturally allowable in the next 30-60 days.

It was moved by Councilmember Singh and seconded by Councilmember Duncan to adopt **Resolution No. 5103-17** Confirming the Assessment and Diagram as Described in the Annual Engineer's Report and Ordering the Levy for the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2017/2018

AYES:	Councilmembers Duncan, Ellis and Singh, Vice Mayor Gacoscas
NOES:	None
ABSENT:	Mayor Dutra-Vernaci
ABSTAIN:	None

7. CITY MANAGER REPORTS

- 7.a. Adopt a Resolution Adopting All of Volume 1 and the City of Union City Portion of Volume 2 of the Union City/ Newark Multijurisdictional Hazard Mitigation Plan

Economic and Community Development Director Joan Malloy introduced Rob Flaner of Tetra Tech and Hazard Mitigation Plan Technical Lead.

Mr. Flaner presented the Union City/ Newark Multijurisdictional Hazard Mitigation Plan. The final plan identifies a guiding principle, seven (7) goals and 14 objectives, provides a comprehensive risk assessment of seven (7) natural hazards of concern, profiles other non-natural hazards as well as the potential impacts from climate change on the assessed hazards, and identifies and prioritizes over 135 actions (54 of Union City) to be implemented by the 5 planning partners (City of Newark, Newark Unified School District, Alameda County Water District and Union Sanitary District).

Mr. Flaner responded to questions from Council. Council provided comment.

It was moved by Councilmember Duncan and seconded by Councilmember Ellis to adopt **Resolution No. 5104-17** Adopting All of Volume 1 and the City of Union City Portion of Volume 2 of the Union City/ Newark Multijurisdictional Hazard Mitigation Plan.

AYES: Councilmembers Duncan, Ellis and Singh, Vice Mayor
Gacoscas
NOES: None
ABSENT: Mayor Dutra-Vernaci
ABSTAIN: None

- 7.b. Adopt a Resolution Endorsing *ACEforward* Draft EIR Alternatives CNS-1a with Centerville Line Expansion and Alternative P-UC-1b to Provide Cost Effective ACE Passenger Rail Service to Union City BART

Deputy City Manager Mark Evanoff presented the staff report, providing information on EIR Alternatives CNS-1a with Centerville Line Expansion and Alternative P-UC-1b. Information on project timelines, connectivity, funding sources, and ridership projections was also provided.

Public comment was provided by Tim Pitsker of Niles, Dan Sarga of Union City, and Doug Dams of Palo Alto.

Deputy City Manager Evanoff responded to questions from Council. Councilmembers provided comment.

It was moved by Councilmember Duncan and seconded by Councilmember Ellis to adopt **Resolution No. 5105-17** Endorsing *ACEforward* Draft EIR Alternatives CNS-1a with Centerville Line Expansion and Alternative P-UC-1b to Provide Cost Effective ACE Passenger Rail Service to Union City BART.

AYES: Councilmembers Duncan, Ellis and Singh, Vice Mayor
Gacoscas
NOES: None
ABSENT: Mayor Dutra-Vernaci
ABSTAIN: None

- 7.c. Introduce an Ordinance of the City of Union City Reauthorizing the Public, Educational, and Government (PEG) Fee on State Cable Franchisees Operating Within the City and Amending Section 5.38.040 of the Union City Municipal Code

Interim City Attorney Kristopher Kokotaylo presented the staff report and provided a factual background of state law and the Local Union City Franchise.

It was moved by Councilmember Ellis and seconded by Vice Mayor Gacoscas to Introduce an Ordinance of the City of Union City Reauthorizing the Public, Educational, and Government (PEG) Fee on State Cable Franchisees Operating within the City and Amending Section 5.38.040 of the Union City Municipal Code.

AYES: Councilmembers Duncan, Ellis and Singh, Vice Mayor
Gacoscas
NOES: None
ABSENT: Mayor Dutra-Vernaci

ABSTAIN: None

**8. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY –
None**

9. AUTHORITIES AND AGENCIES – None

10. CITY COMMISSION / COMMITTEE REPORTS – None

11. SECOND ORAL COMMUNICATIONS – None

12. SCHEDULED ORAL COMMUNICATION – None

13. ITEMS REFERRED BY COUNCIL

Oral Reports by Mayor and Councilmembers on meetings of County or Regional Board and Commissions

Alameda County Fire Department Advisory Commission – No report.

Alameda County Library Advisory Commission – Vice Mayor Gacoscos attended the Commission meeting on July 5, held in Union City. Topics of discussion included the Alameda County Library Foundation and Collection Development.

Alameda County Mayors Conference – No report.

Alameda County Transportation Commission (ACTC) – Councilmember Duncan reported on her attendance of the ACTC meeting in place of the Mayor.

Councilmember Duncan stated discussion included East Bay Green Ways Phase 1, in which Union City was not included. Councilmember Duncan requested an update on the project, including Phase 2, which was said to include Union City.

Councilmember Duncan requested an update on the Capitol Corridor, and discussion of it being moved to the west side of Union City.

Alameda County Waste Management Authority (WMA) – Councilmember Singh reported on his attendance of the WMA meeting scheduled on June 28 where there was a rate adjustments discussion and the election of new officers.

Association of Bay Area Governments (ABAG) – No report.

City of Union City Audit Subcommittee – No report.

City of Union City Municipal Code Subcommittee – No report.

City of Union City Youth Violence Prevention & Intervention Advisory Committee (YVPIP) – No report.

Disaster Council – No report.

Dumbarton Rail Corridor Policy Advisory Committee – No report.

East Bay Community Energy Board of Directors (EBCE) – No report.

East Bay Economic Development Alliance (EDA) – No report.

East Bay Regional Communications System Authority (EBRCSA) – No report.

Economic Development Advisory Team (EDAT) – No report.

General Plan Advisory Committee (GPAC) – No report.

Housing Authority of the County of Alameda (HACA) – No report.

League of California Cities, East Bay Division (LOCC) – No report.

Metropolitan Transportation Commission (MTC) – No report.

New Haven Unified School District Joint Sub-Committee – No report.

Oakland Airport Community Noise Management Forum – No report.

Teen Center Project Updates – No report.

Union City Chamber of Commerce – Vice Mayor Gacoscos reported on her attendance of the Chamber of Commerce meeting where preparations for the Spirit Awards were finalized.

US Conference of Mayors – No report.

14. GOOD OF THE ORDER

Councilmember Singh noted the increased use in illegal fireworks this past Fourth of July.

Vice Mayor Gacoscos addressed the public comment made earlier regarding immigrants and Union City's Compassionate City status. Vice Mayor Gacoscos stated that as a Compassionate City, Union City will not tolerate racism.

Vice Mayor Gacoscos told of a personal experience she had with a Union City resident of Muslim faith, and spoke about the importance of calling attention to the many positive actions displayed by the residents of Union City.

15. CLOSED SESSION - None

16. ADJOURNMENT

Vice Mayor Gacoscos adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



Agenda Item

DATE: 7/25/2017

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KRISTOPHER J. KOKOTAYLO, INTERIM CITY ATTORNEY

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF UNION CITY REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON STATE CABLE FRANCHISEES OPERATING WITHIN THE CITY AND AMENDING SECTION 5.38.040 OF THE UNION CITY MUNICIPAL CODE

On July 11, 2017, the City Council introduced the attached ordinance reauthorizing the City's PEG fee and amending Section 5.38.040 of the Union City Municipal Code.

State law requires that cities periodically reauthorize their public, educational, and governmental ("PEG") fee on state cable franchisees operating within their jurisdictions. This is required each time a state cable franchise expires. The proposed ordinance would reauthorize the City of Union City's PEG fee and amend the Municipal Code to add automatic reauthorization language.

Staff recommends that the City Council conduct the second reading and adopt the attached ordinance.

BACKGROUND

Under the Digital Infrastructure Video and Competition Act of 2006 ("DIVCA"), the City's existing franchise agreement with the incumbent local cable operator remains in effect until its expiration on April 21, 2020. In addition, statewide franchisees, like AT&T, now also provide cable services in the City. Under the City's Municipal Code, the City's incumbent cable operator and all state franchisees operating in the City are required to divide responsibility for collecting the PEG fees required in the local franchise agreement until April 21, 2020.

After that date, UCMC Section 5.38.040(C) requires that all state franchise holders collect PEG fees in the amount of one percent (1%) of gross revenues. However, DIVCA requires that that local PEG fee ordinances, like Section 5.38.040(C) must be reauthorized each time a state franchise expires.

DISCUSSION

AT&T California operates within the City under a statewide cable services franchise that expires on March 30, 2017. To ensure that AT&T will be required to collect and remit the PEG fee between April 22, 2020 and the expiration of its next franchise (in 2027), staff recommends that the City Council reauthorize Section 5.38.040(C) by adopting the attached ordinance.

In addition to reauthorizing the PEG fee with regard to AT&T, the attached ordinance would add a provision to the Municipal Code to provide that, upon the expiration of any state franchise, the City's PEG fee is automatically reauthorized unless the state franchise holder has given the City Council and City manager 60-days' written notice prior to the expiration of its state franchise that the City's PEG fee will expire.

FISCAL IMPACT

Adoption of the proposed ordinance will ensure collection and remission of one percent (1%) of AT&T's gross revenues on and after April 22, 2020. Proceeds of PEG fees may only be used for the support of PEG channel facilities (such as the recent audio-visual upgrade of the City Council Chambers).

RECOMMENDATION

Waive reading the full text of the attached ordinance, conduct the second reading of the title of the attached ordinance, and adopt the attached ordinance reauthorizing the City's PEG fee and amending Section 5.38.040 of the Union City Municipal Code.

Prepared by:

Kristopher J. Kokotaylo, Interim City Attorney

Submitted by:

Kristopher J. Kokotaylo, Interim City Attorney

ATTACHMENTS:

Description	Type
<input type="checkbox"/> PEGFee Ordinance	Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF UNION CITY REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON STATE CABLE FRANCHISEES OPERATING WITHIN THE CITY AND AMENDING SECTION 5.38.040 OF THE UNION CITY MUNICIPAL CODE

WHEREAS, the City Council previously adopted Section 5.38.040(C) of the Union City Municipal Code (“UCMC”), which imposes a public, educational, and governmental (“PEG”) fee on state cable franchisees operating within the City as authorized in the Digital Infrastructure and Video Competition Act of 2006; and

WHEREAS, Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise; and

WHEREAS, AT&T California (“AT&T”) operates within the City under a state franchise that expired on March 30, 2017; and

WHEREAS, the City Council wishes to adopt an ordinance expressly declaring that the City’s PEG fee is reauthorized and amending UCMC Section 5.38.040.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. PEG Fee Reauthorization.

The City’s PEG channel facilities fee authorized in subsection (C) of Section 5.38.040 of the Union City Municipal Code is hereby reauthorized to the extent required by Section 5870(n) of the California Public Utilities Code.

Section 2. Addition of Subsection (F) to Section 5.38.040 of the Union City Municipal Code.

UCMC Section 5.38.040 shall be amended to add the following subsection (F) to read as follows:

F. Notwithstanding subdivision (n) of Public Utilities Code Section 5870, upon the expiration of any state franchise, without any action of the City Council, subsection (C) of this section shall be deemed to have been automatically reauthorized unless the state franchise holder has given the City Council and City Manager written notice sixty (60) days prior to the expiration of its state franchise that this section will expire pursuant to the terms of subdivision (n) of Public Utilities Code Section 5870.

The remaining provisions of Section 5.38.040 shall remain unchanged and in full force and effect.

Section 3. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions,

clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

Section 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days following its adoption.

Section 5. Publication or Posting.

The City Clerk of the City of Union City shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

2790451.2



Agenda Item

DATE: 7/25/2017

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARK CARLSON CPA, FINANCE DIRECTOR

SUBJECT: RESOLUTION ADJUSTING THE FY 17/18 MASTER FEE SCHEDULE
OPERATIONAL FIRE CODE PERMITS FEE FROM \$198 TO \$267

The City Council is asked to adopt a Resolution correcting the Operational Fire Code Permit Fee as listed in the Master Fee Schedule.

BACKGROUND

In the spring of this year the City conducted a User Fee Study of City fees and charges. That review was completed and presented to the City Council in May. The results of the User Fee Study were incorporated into the FY 17/18 Master Fee Schedule that was adopted by the City Council on 06/27/17.

DISCUSSION

Subsequent to the adoption of the FY 17/18 Master Fee Schedule, staff identified an error in the User Fee Study as it relates to Operational Fire Code Permits. The time factors necessary to complete the permit process were less than what is actually needed. The adopted fee with the errant time is \$198. With the time correction the fee should be \$267 which is a \$9 increase over the previous year's rate. This fee can be located on page 28 of the FY 17/18 Master Fee Schedule, a portion of which is presented below:

Type of Fee	Adopted Fee FY 2017/18	Justification
Inspection and/or Plan Review Fees For Activity Permits	As calculated per fireworks regulations	
Retail Fireworks Sales of Safe & Sane Fireworks		
Christmas Tree Lots/Sale Areas at Retail		User Fee Study
Operational Fire Code Permits	\$198.00	User Fee Study

FISCAL IMPACT

There is no negative fiscal impact as a result of correcting this fee.

RECOMMENDATION

RECOMMENDATION

Staff is recommending that the FY 17/18 Master Fee Schedule be updated to reflect the actual time necessary to complete issuances of Operational Fire Code Permits.

Prepared by:

Mark Carlson CPA, Finance Director

Submitted by:

Mark Carlson CPA, Finance Director

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Resolution

A Resolution Of The City Council of the City of Union City Adjusting the FY 17/18 Master Fee Schedule Operational Fire Code Permits Fee from \$198 To \$267.

Executive Summary

The purpose of this resolution is to correct the Operational Fire Code Permit Fee as listed in the Master Fee Schedule.

Background

In the spring of this year the City conducted a User Fee Study of City fees and charges. That review was completed and presented to the City Council in May. The results of the User Fee Study were incorporated into the FY 17/18 Master Fee Schedule that was adopted by the City Council on 06/27/17.

Discussion

Subsequent to the adoption of the FY 17/18 Master Fee Schedule, staff identified an error in the User Fee Study as it relates to Operational Fire Code Permits. The time factors necessary to complete the permit process were less than what is actually needed. The adopted fee with the errant time is \$198. With the time correction the fee should be \$267 which is a \$9 increase over the previous year's rate. This fee can be located on page 28 of the FY 17/18 Master Fee Schedule, a portion of which is presented below:

Inspection and/or Plan Review Fees For Activity Permits		
Retail Fireworks Sales of Safe & Sane Fireworks	As calculated per fireworks regulations	
Christmas Tree Lots/Sale Areas at Retail	\$391.00	User Fee Study
Operational Fire Code Permits	\$198.00	User Fee Study

Fiscal Impact

There is no negative fiscal impact as a result of correcting this fee.

Recommendation

Staff is recommending that the FY 17/18 Master Fee Schedule be updated to reflect the actual time necessary to complete issuances of Operational Fire Code Permits.



Agenda Item

DATE: 7/25/2017

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARK EVANOFF, DEPUTY CITY MANAGER

SUBJECT: CONDUCT A PUBLIC HEARING ON THE ASSESSMENT OF LIENS AGAINST CERTAIN PROPERTIES LOCATED IN THE CITY OF UNION CITY FOR DELINQUENT SOLID WASTE, RECYCLING AND ORGANIC WASTE SERVICE CHARGES; ADOPT A RESOLUTION APPROVING THE FILING OF ASSESSIBLE LIENS AGAINST CERTAIN PROPERTIES LOCATED IN THE CITY OF UNION CITY FOR DELINQUENT SOLID WASTE, RECYCLING AND ORGANIC WASTE SERVICE CHARGES AND DIRECTING STAFF TO FORWARD SUCH LIENS TO THE ALAMEDA COUNTY TAX ASSESSOR AND AUDITOR-CONTROLLER FOR PLACEMENT ON THE FISCAL YEAR 2017-18 SECURED PROPERTY TAX ROLL

Staff recommends that:

1. A Public Hearing be conducted by the City Council to hear the appeals (if any) from residential property owners who remain delinquent in the payment of related fees and service charges for the collection of Municipal Solid Waste (MSW), Organic Waste and Recycling.
2. Adopt a resolution approving the filing of assessable liens against such properties and forwarding such liens to the Alameda County Assessor for placement on the Fiscal Year 2017-18 secured property tax roll and the Alameda County Clerk-Recorder's Office for official recordation. Staff recommends adoption of the proposed resolution.

BACKGROUND

Regular weekly collection of refuse, organics and recyclables is mandatory in Union City. Homeowners pay for these services through Special Assessments on the annual property tax statement mailed to each parcel by the County Tax Collector. The City of Union City is one of the few cities that places such service charges on the Secured Property Tax Roll, instead of relying on its collection contractor to bill each parcel and collect fees in the traditional manner.

DISCUSSION

In 2015 an audit by NBS, the City's tax roll consultant, identified thirty (30) properties that for unknown reasons were not assessed through the tax roll for curbside collection services. Staff corrected the situation beginning with Fiscal Year 2015-16; special assessments for refuse, recycling and storm water now appear on the annual property tax statements of the parcels previously not assessed.

Pursuant Section 7.04 of the Union City Municipal Code, "The solid waste and recycling franchisees shall be entitled to payment from the property owner for any services rendered." In July 2016, Republic Services (Republic) sent a letter to the thirty property owners requesting payment for collection services in tax years 2012-13, 2013-14 and 2014-15. Single family property owners were billed \$1,468.48 and parcelized multi-family homeowners were assessed \$1,115 for three years of service, the same total amounts paid by Union City residential property owners correctly assessed through the secured tax roll. Twenty (20) of the property owners contacted by Republic made arrangements with the hauler to pay for past service. Ten (10) of the properties did not respond to multiple requests for payment and were recently referred to the City by Republic Services.

The assessable lien process outlined in the Municipal Code addresses the question of Solid Waste Collection and Disposal, Organic Waste Collection and Composting and Recycling Collection and processing by:

- Establishing a procedure and notice for delinquent collection charges;
- Establishing an Administrative Hearing to hear any protests regarding delinquent charges for services;
- Creating a reporting mechanism to the City Council on delinquent collections;
- Creating a Notice of Public Hearing, Council review and approval of property tax liens; and
- Providing for notification to the County Assessor and Auditor Controller regarding assessment of property liens.

On April 28, 2017, registered letters were sent to all 10 property owners advising each owner that the delinquent service charges were due and payable immediately; a payment response form was also included. The property owners were also advised of the date, time and place for an Administrative Appeal Hearing (June 6, 2017 at 1pm in City Hall) to protest the charges.

Four (4) property owners paid their delinquent charges before the Administrative Appeal Hearing. Two (2) of the properties were sold in 2016, after the delinquent charges were incurred. One (1) property owner attended the administrative hearing but provided incomplete information confirming payment for services rendered. Letters to three (3) other parcels have failed to generate a response to the request for payment for collection services.

A second registered letter was sent to the remaining four (4) delinquent property owners on July 11, 2017, advising of the date, time and place of the Public Hearing before the City Council on July 25, 2017 at 7 pm. The second notice again provided an opportunity to pay the delinquency or present evidence that the proposed assessment and lien is incorrect, before a lien, administrative fees, and penalties would be levied on their parcel. As of the preparation date of this staff report (July 18), no property owner has advised staff of their intent to appeal their delinquency at the City Council public hearing.

City Council Process

If necessary, and in order to minimize use of the City Council's time during the public hearing, staff proposes that:

- the Mayor open the public hearing,

- the City Council appoint the following Hearing Officers to hear any appeals filed by property owners
 - Mark Carlson, Director of Administrative Services
 - Roberto Muñoz, Solid Waste & Recycling Coordinator
 - Jennifer Cutter, Recycling Programs Coordinator

Multiple Hearing Officers are recommended so that several appeals can be handled simultaneously in hearing rooms outside the Council Chambers.

- The Mayor continues the public hearing until the appeals (if any) have been heard by the Hearing Officer(s),
- The Hearing Officers hear and consider information provided by the appellant(s), and make a preliminary determination on the appeal,
- All parties return to the Council Chambers and the Mayor re-opens the public hearing,
- The City Council hears the report of the Hearing Officers and testimony from each appellant, gives the information due consideration, and makes a final determination on each appeal, and
- The City Council then adopts the proposed resolution to implement its findings and determinations.

It should also be noted that the City has until early August to prepare and submit amendments to the FY 2017-18 Secured Property Tax Roll to the County Tax Assessor and the County Auditor-Controller.

Privacy rules require the City to keep the identification of the property owners confidential until such time that the lien resolution is transmitted to the recorder / assessor's office. Council will be given a detailed copy of the parcel list after submittal of liens to the Alameda County Assessor's Office. This list will remove any property owner that is recommended by Council, or that pays their delinquent assessments by the end of the Public Hearing.

FISCAL IMPACT

A total of \$33,477 has been collected to date by Republic Services and the City from property owners who were not originally assessed for collections services between 2012 and 2015. Four (4) properties remain delinquent in payment for past services rendered. With the addition of a \$50 Service Fee per parcel for staff time and mailing costs required to process the proposed liens, **the maximum amount to be assessed via property tax liens at this evening's City Council meeting is \$1,518.48, less any adjustments made by the City Council or due to payments.**

RECOMMENDATION

It is recommended that the City Council consider appeals from property owners who remain delinquent in the payment of fees and service charges for the collection of Municipal Solid Waste (MSW), Organic Waste and Recycling and after due consideration and findings, adopt a resolution directing staff regarding the submittal of assessable liens with Alameda County Assessor and Auditor-Controller for inclusion on the 2017-18 Secured Property Tax Roll and Alameda County-Clerk Recorder for official recordation.

Prepared by:

Roberto Munoz, Recycling and Solid Waste Manger

Submitted by:

Roberto Munoz, Recycling and Solid Waste Manager

ATTACHMENTS:

Description	Type
▣ RESO-ASSESSABLE LIENS	Resolution

RESOLUTION NUMBER _____

A RESOLUTION APPROVING THE FILING OF ASSESSABLE LIENS AGAINST CERTAIN PROPERTIES LOCATED IN THE CITY OF UNION CITY FOR DELINQUENT SOLID WASTE, RECYCLING AND ORGANIC WASTE SERVICE CHARGES AND DIRECTING STAFF TO FORWARD SUCH LIENS TO THE ALAMEDA COUNTY TAX ASSESSOR AND AUDITOR-CONTROLLER FOR PLACEMENT ON THE FISCAL YEAR 2017-18 SECURED PROPERTY TAX ROLL

WHEREAS, it has been the practice of the City of Union City for many years to place Single Family Residential (“SFR”) and Parcelized Multi-Family (“MFR”) service charges for Municipal Solid Waste (“MSW”), Organic Waste and Recycling collection on the Secured Property Tax Roll to maximize compliance with the City’s mandatory collection codes and ensure timely payment of service charges; and

WHEREAS, Section 7.04 of the Union City Municipal outlines the process for the placement of assessable liens against residential properties located within the City of Union City whose owners had failed to pay service charges for Municipal Solid Waste (“MSW”), Organic Waste and Recycling collection as required by law; and

WHEREAS, a review of residential parcels located in the City of Union City revealed that thirty (30) parcels located in the City had received collection services, but had not been assessed the appropriate service charges for such services; and

WHEREAS, ten (10) of the parcels did not respond to requests for payment for past services by Republic Services and were therefore referred to the City for collection; and

WHEREAS, in accordance with the Municipal Code appropriate notices were sent to the owners of the the parcels with delinquent MSW, Organic Waste and Recycling collection service charges in which each property owner has been given the opportunity to pay the delinquent assessments, or to appeal the proposed placement of assessable liens against their properties for said delinquent assessments plus applicable administrative service fees; and

WHEREAS, an administrative hearing to consider appeals of said delinquent assessments and assessable liens was duly noticed and scheduled for June 6, 2017 at 1:00 p.m. in City Hall, 34009 Alvarado-Niles Road, Union City; and

WHEREAS, four property owners have since paid past due amounts and two properties were sold in 2016, four parcels remain with delinquent amounts; and

WHEREAS, additional notice was given to all owners of properties with delinquent MSW, Organic waste and Recycling collection service charges and advised of the date time and place for a public hearing before the City Council on July 25, 2017 at 7:00 p.m. in the City Council Chambers, 34009 Alvarado-Niles Road, Union City to consider appeals of the proposed placement of assessable liens against their properties in accordance with the Municipal Code; and

WHEREAS, the City Council appointed Hearing Officers to conduct investigations into each appeal filed by Appellants at said public hearing, and has considered the information provided by the Hearing Officers and Appellants concerning the delinquent service charges for MSW, Organic Waste and Recycling collection and the proposed assessable liens to recover said service charges plus administrative service fees; and

WHEREAS, the City Council hereby finds and determines that each property owner listed in Exhibit A, attached hereto and incorporated herein by reference, has failed to pay delinquent service charges for MSW, Organic Waste and Recycling collection services provided to their properties, and that the placement of assessable liens against their properties is therefore in the public interest.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Union City does hereby order and direct the City Manager to prepare and transmit all necessary documents required to place assessable liens on the secured property tax roll for the properties listed in Exhibit A, to the Alameda County tax Assessor and Auditor-Controller for Fiscal (tax) Year 2017-18.

***Exhibit A is not included with the resolution that is posted on the city website or disseminated as part of the City Council agenda packet available to the public. The names of the individuals are confidential until the liens are recorded and become public record.**