

The City Council will convene the adjourned meeting at 5:30 p.m. at which time there will be an opportunity for citizens to make comments. After public comments, the Council will meet in closed session.

**AGENDA FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JANUARY 28, 2003, 5:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

5:30 P.M. - Council Conference Room

I. **ROLL CALL:** Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias, Mayor Green

II. **CLOSED SESSION:**

A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Potential Cases: Two

B. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Section 54957.6

Agency designated representatives: Tony Acosta, Interim Administrative Services Director; David Berger, City Manager, Michael Riback, City Attorney

Employee organization: Professional Employees

C. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Section 54957.6

Agency designated representatives: Tony Acosta, Interim Administrative Services Director; David Berger, City Manager, Michael Riback, City Attorney

Employee organization: Police Officers Association

III. **ADJOURNMENT**

The City Council of the City of Union City meets the second and fourth Tuesday of each month at 7:00 p.m. City Council meetings are televised live on Channel 20 and retelevised the following Friday at 6 p.m. and at 6:00 p.m. the following Tuesday. Complete agenda packets are available for public inspection at City Hall, the Union City Library, and the Community Centers. See the "City Council Information Guide" for more detailed information or visit our web site at

www.ci.union-city.ca.us

For Agenda information, you may contact the City Clerk's Office at 510-471-3232, ext. 348.

Resolution 2341-03

Ordinance 603-03

Redevelopment Reso. 271-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 28, 2003, 7:00 P.M.,
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL: Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias, Mayor Green

III. UNFINISHED BUSINESS - NONE

IV. APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, December 10, 2002 (Continued from January 14, 2003)

Required Action: Motion

B. Approval of minutes of the Regular City Council meeting of Tuesday, January 14, 2003

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS**

- A. Resolution in recognition of the James Logan Band and Color Guard for their appearance at the Tournament of Roses Parade
Required Action: Present

- B. Resolution honoring Lynne Mattos upon her retirement from the City of Union City
Required Action: Present

- B. Resolution honoring Lt. Don Schuitemaker upon his retirement from the City of Union City
Required Action: Present

VI. **ORAL COMMUNICATIONS**

Comments from the floor on non-agenda items will be accepted for a period of 1/2 hour maximum. Speakers are limited to three minutes each. Persons wishing to speak must complete a Speaker Card available at the rear of the Council Chambers or from the 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 XII of the agenda if they wish.

VII. **HEARINGS**

- A. **HEARINGS RE: ZONING TEXT AMENDMENT AT-03-02 and ZONING MAP AMENDMENT A-06-02** (Introduction of Ordinances)

Zoning Text Amendment At-03-02: The inclusion of Chapter 18.51 to Title 18, (Zoning Ordinance) of the Union City Municipal Code to establish criteria for the new PI Private Institutional District as identified in the 2002 General Plan to accommodate private institutional uses such as faith-based organizations as a permitted use and cemeteries, private educational facilities, private non-profit and service organizations and continuing care retirement facilities as conditionally permitted uses.

VII. HEARINGS (continued)

Zoning Map Amendment A-06-02: An amendment to the City Zoning Map to reclassify several agricultural, residential, commercial and industrial zoned properties throughout the City with the new zoning classification of PI, Private Institutional in order to have a uniform zoning designation consistent with the Land Use Element of the 2002 General Plan. The properties considered for rezoning are as follows:

- ! Chapel of the Chimes Memorial Park, 32292 Mission Blvd; (APN 087-040-6-1, 6-2, 7)
- ! Church of Jesus Christ of Latter Day Saints, 34201 Alvarado-Niles Rd; (APN 486-99-6)
- ! Bethel Baptist Church, 4216 Dyer St; (APN 483-73-4-2)
- ! St. Anne Catholic Church, 32223 Cabello St; (APN 483-76-67)
- ! Our Lady of the Rosary Church, 703 C St (Decoto); (APN 486-15-52-1, 52-2)
- ! N. Cal. First Korean Baptist Church, 32464/32462 Alvarado Blvd; (APN 483-49-28-2, 29)
- ! SDES Alvarado, 30846 Watkins St; (APN 483-15-14)
- ! Southern Alameda County Buddhist Temple, 32975 Alvarado-Niles Rd; (APN 475-148-2, 3)
- ! Holy Family Catholic Ethnic Mission, 3880 Smith St; (APN 483-15-16-2)
- ! Solid Rock Church of God in Christ, 33459 Mission Blvd (proposed project); (APN 486-3-32, 33 and portion of 486-3-34-1)
- ! General Assembly Church of Union City, 33115 Central Ave; (APN 475-90-5)
- ! Union City Apostolic Church, 33700 Alvarado-Niles Rd (APN 475-100-24-1) and 33520 Western Ave (APN 475-100-22-6)

Portions of the following properties will also be rezoned to accommodate the PI, Private Institutional zoning classification consistent with the Land Use Element of the 2002 General Plan:

- ! Masonic Home for Adults, 34400 Mission Blvd; (APN 087-31-2-6, 3-3)
- ! 8 acre undeveloped portion of the Accinelli property, 4717 Lowry Road; (APN 543-201-4-2)
- ! 5 acre undeveloped portion of CalTrans properties, Alvarado-Niles Road & Fox Ave; (APN 87-11-15-14)
- ! 1 acre undeveloped portion adjacent to the Alvarado Place Shopping Center, along Alvarado Blvd and Galaxy Way; (APN 483-40-50)

VIII. REPORTS FROM CITY MANAGER

A. Midyear budget status report

Required Action: Accept report and provide staff direction regarding potential continued funding for community based organizations up to the end of the current fiscal year

This report presents the financial status of the City's operations at the mid-point of the current fiscal year (2002/2003).

B. Resolution in support of the VLF restoration

Required Action: Motion

The League of California Cities and Assemblyman John Dutra has asked City Council to adopt a resolution urging the Legislature to support restoring the VLF to its pre-1998 level, and commitment of the fully restored VLF revenues as a continuing local government revenue source.

C. Discussion on alternatives regarding Route 84

Required Action: Staff direction

Staff is seeking direction on acceptable dates, times and locations for the joint meeting with the Fremont City Council and agenda items for this meeting.

D. Follow-up Informational Report on the Proposed Re-Engineering of Landscape and Lighting Assessment District No. 2

Required Action: Accept Report

This report is in response to Council questions regarding distribution of parcels and assessments for the proposed re-engineered LLAD and the balloting process.

E. Status report regarding negotiations with Comcast/AT&T on renewal of the City's Cable Television Service Franchise Agreement

Required Action: Staff Direction

The outcome of the January 27 negotiations with Comcast/AT&T representatives will be reported and discussed.

VIII. **REPORTS FROM CITY MANAGER** (continued)

- F. Introduction of Ordinance: **ORDINANCE AMENDING THE CITY OF UNION CITY MUNICIPAL CODE SECTION 2.04.010 regarding setting time for the General Municipal Election**

Required Action: Motion

This introduction of Ordinance will provide for the City's general elections to be changed to November of even-numbered years.

IX. **REDEVELOPMENT AGENCY**

- A. **Resolution of the Community Redevelopment Agency of the City of Union City AUTHORIZING ENTERING INTO A RELOCATION AND SERVICES AGREEMENT WITH STADLER, SHOVER & CLINE, INC., D.B.A., PACIFIC RELOCATION CONSULTANTS, AND TO PURCHASE THE MOBILE HOMES OF RESIDENTS DISPLACED BY THE MISSION GATEWAY AFFORDABLE HOUSING DEVELOPMENT**

Required Action: Motion

This resolution authorizes the Executive Director to enter into a contract with Pacific Relocation Consultants to oversee the relocation of 33 residents and seven businesses; authorize the purchase of 16 mobile homes by the agency; and authorize staff to seek informal bids from local contractors paying Prevailing Wage to install utilizes at Mission and D Street to provide for the temporary relocation of five frail elderly and caretaker households.

X. **AUTHORITIES/AGENCIES - NONE**

XI. CONSENT CALENDAR/RESOLUTIONS

- A. Resolution of the City Council of the City of Union City **AWARDING CONTRACT FOR BARNARD WHITE MIDDLE SCHOOL PEDESTRIAN IMPROVEMENTS, CITY PROJECT NO. 99-05**

Required Action: Motion

This resolution awards contract to Granite Construction of San Jose for Barnard White Middle School Pedestrian Improvements, City Project No. 99-05. The project will improve pedestrian access and safety around the Barnard White Middle School and particularly along the former SPRR tracks (Niles Subdivision) in the Decoto Neighborhood.

- B. Resolution of the City Council of the City of Union City **ACCEPTING GRANT DEEDS FOR RIGHT-OF-WAY AND FOR REAL PROPERTY**

Required Action: Motion

Alameda County Flood Control District and Water Conservation District, owner of the property related to the above, has submitted an executed Grant Deed for right-of-way and a Grant Deed for real property to the City of Union City. It has been determined that the grant of this right-of-way and property will be in the public interest. This resolution accepts the grant deeds.

- C. Resolution of the City Council of the City of Union City **APPROVING PURCHASE OF ONE CAB AND CHASSIS UTILITY PICKUP TRUCK, CITY PROJECT NO. 03-01**

Required Action: Motion

The 2002/2003 budget includes authorization for the purchase of one cab and chassis utility pickup truck to replace an aging irrigation van for the Public Works Department. This vehicle has been recommended for replacement by the Public Works Superintendent and the Public Works Director. This resolution authorizes purchase of the cab and chassis utility truck from the State of California, Department of General Services contract with Hoblit Motors of Colusa, California.

D. Resolution of the City Council of the City of Union City
AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT
EXTENSION WITH MV TRANSPORTATION FOR FY 2003-2004

Required Action: Motion

The three year contract with MV Transportation for the operations and maintenance of Union City Transit & Paratransit is in its last year. The contract allows for up to two (2) single year extensions beyond the initial contract period. Staff is requesting Council approval for an extension for FY 2003-2004.

E. Final Reading Ordinance No. 602-03: **ORDINANCE OF THE CITY OF UNION CITY ADDING SECTION 1.01.120 TO AND AMENDING SECTIONS 5.16.110 AND 3.18.110 OF THE UNION CITY MUNICIPAL CODE CONCERNING CLAIMS AGAINST THE CITY FOR MONEY AND/OR REFUNDS OF TAX OVERPAYMENTS**

Required Action: Motion

This is the second reading of this ordinance which creates a process for the filing of any claims against the City for money, damages, or refunds, that are currently not covered by the State Tort Claims Act. Such claims may include refunds for alleged overpayments of a City-tax.

XII. ORAL COMMUNICATIONS

XIII. CORRESPONDENCE - NONE

XIV. APPROVAL OF BILLS - NONE

XV. SCHEDULED ORAL COMMUNICATIONS - NONE

XVI. ITEMS REFERRED BY COUNCIL

- A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Required Action: Information

- B. Request by Vice Mayor Elias to discuss the Patriot Act

Required Action: Staff Direction

XVII. GOOD OF THE ORDER

XVIII. ADJOURNMENT