

The City Council will convene the adjourned meeting at 6:00 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.

The complete agenda packet, including staff reports, for this Council meeting can be found at www.ci.union-city.ca.us/weblink.

**AGENDA FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
OCTOBER 28, 2003, 6:00P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

6:00 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 - EXISTING LITIGATION**
(Pursuant to Section 54956.9 of the California Government Code)

PG&E vs. City of Union City
 - B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Number of Cases: One
 - C. **LICENSE/PERMIT DETERMINATION**
(Pursuant to Section 54956.7 of the California Government Code)

Title: Driver's Permit to Operate Union City Paratransit Bus
- 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 6:00 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 510-675-5348.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a City meeting or you need a copy of the agenda or the agenda packet in an appropriate alternative format, please contact the City Clerk's office at 510-675-5348. Notification of at least 72 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at all Council/Commission meetings.

Ask the City Clerk if you desire to use this device.

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Resolution 2516-03
Ordinance 615-03
Redevelopment Reso. 286-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 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 Regular City Council meeting of Tuesday, October 14, 2003

Required Action: Motion

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, October 21, 2003

Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

- A. Presentation of proclamations to members of the Union City Kicks Soccer Team
Required Action: Present
- B. Proclamation in honor of Engineer/Paramedic Sean Burrows, 2003 Firefighter of the Year
Required Action: Present

VI. ORAL COMMUNICATIONS

Comments from the floor on non-agenda items will be accepted for a period of ½ 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. **HEARING RE: SHORT RANGE TRANSIT PLAN (SRTP)** (Resolution)
Required Action: Motion

The purpose of the SRTP is to evaluate the performance of the City's transit system, document service improvements and develop a ten-year finance plan. This plan provides Union City with a framework for future planning needs and meets all federal and regional planning and programming requirements. This year's SRTP covers fiscal years 2004 through 2013. After Council approval, the Plan will be submitted to the Metropolitan Transportation Commission (MTC) as the official planning document for Union City Transit.

VII. HEARINGS (continued)

B. HEARING RE: **ZONING MAP AMENDMENT A-01-03** (Introduction of Ordinances)

Required Action: Motion

Initiated by the City of Union City, the proposal is to amend the Zoning Map to bring it into compliance with the General Plan regarding the 40.26-acre Accinelli property located at 4717 Lowry Road, Union City and is identified as Assessor's Parcel Number APN 543-0201-004-02. The General Plan was amended in February 2002 that redesignated this property from Agriculture to Residential, 3-6 units per acre, and Private Institutional. Approximately 32 acres of the property are proposed to be rezoned from Agriculture to Single-Family Residential, RS6000 and 8 acres are proposed to be rezoned from Agriculture to Private Institutional, PI. The City has determined that the above amendment is exempt from environmental review pursuant to Section 15061 (b3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed rezoning of the land is to bring it into compliance with the General Plan, as required by State Law.

C. HEARING RE: **APPEAL OF ASD-20-03, ADMINISTRATIVE SITE DEVELOPMENT REVIEW** (Resolutions)

Required Action: Motion

The City of Union City has received a request from Andrew Miner, of PlanCom Inc., representing Cingular Wireless, to appeal the Planning Commission's denial of Administrative Site Development Review Permit application (ASD-20-03). On October 2, 2003, the Planning Commission denied ASD-20-03 on a 3-2 vote. The ASD application is a request to permit the installation of three (3) monopole antennas to be camouflaged as flag poles and ground mounted equipment to be screened by a new monument sign at the end of Hop Ranch Road at Cesar Chavez Middle School located at 2758 Hop Ranch Road (APN 475-153-070).

VIII. REPORTS FROM CITY MANAGER

A. Report and Recommendations regarding the Solid Waste Procurement Process:

1. Resolution rejecting proposals received on February 22, 2002 for Solid Waste Collection and Disposal, and Organic/Waste Collection and Recycling, and authorizing future negotiations for Recyclable Materials Collection

Required Action: Motion

2. Resolution authorizing an agreement with Hilton, Farnkopf, and Hobson, LLC for Solid Waste, Organic Waste and Recycling Service Procurement Services in an amount not to exceed \$200,000

Required Action: Motion

IX. REDEVELOPMENT AGENCY - NONE

X. AUTHORITIES/AGENCIES - NONE

XI. CONSENT CALENDAR/RESOLUTIONS

(All matters listed under the Consent Calendar are considered routine City Council or Redevelopment Agency items by the City Staff and may be enacted by the City Council/Agency by one motion in the form listed below. There will be no separate discussion of these items unless, before the City Council/Agency votes on the motion to adopt, Members of the City Council, staff, or the public request specific items to be removed from the Consent Calendar for separate action).

A. Resolution of the City Council of the City of Union City ENDORSING MEASURE A (NOVEMBER 4, 2003 CONSOLIDATED DISTRICT ELECTION)

Required Action: Motion

In recognition of the ongoing need to fund school improvements throughout New Haven Unified School District, the Board of Education has placed Measure A on the November 4, 2003 ballot. Staff is recommending approval of a resolution which endorses Measure A.

XI. **CONSENT CALENDAR/RESOLUTIONS** (continued)

- B. **Resolution of the City Council of the City of Union City APPROVING BID AND AWARDING CONTRACT TO DATALUX CORPORATION FOR THE MOBILE DATA COMPUTER COMPONENT OF THE COPS MORE 2002 GRANT**

Required Action: Motion

A portion of the COPS MORE 2002 grant from the United States Department of Justice was the purchase of mobile data computers to replace the laptop computers that have been in use for over five years, are out of warranty and frequently fail to function. Staff is requesting authorization to approve the contract with Datalux Corporation to purchase the mobile computer systems and necessary components through funding available through the approved COPS MORE 2002 grant.

- C. **Resolution of the City Council of the City of Union City OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

Required Action: Motion

Braddock & Logan have requested the City of Union City institute proceedings to annex their property into the Community Facilities District No. 96-1 (DIPSA). The proposed Annexation No. 4 includes the Braddock & Logan property (recently purchased from McKesson Corporation) and the former Nor-Cal Steel site that is owned by the Agency.

- D. **Resolution of the City Council of the City of Union City APPROVING SITE DEVELOPMENT REVIEW SD-10-03, USE PERMIT UP-05-03 AND VARIANCE V-05-03**

Required Action: Motion

Initiated by CRJ Associates for Hirbond Enterprise Inc., the applicant is requesting a Site Development Review and Use Permit approval to establish a Mini-Mart within an existing Chevron service station. The applicant is also applying for a Variance to allow one (1) parking space less than what is required. The project site is located at 31890 Alvarado Boulevard, Union City, and is identified as Assessor's Parcel Number APN: 483-0040-033-00. The property is zoned CC, Community Commercial. The proposed project is considered categorically exempt per the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

XI. **CONSENT CALENDAR/RESOLUTIONS** (continued)

E. Resolution of the City Council of the City of Union City **AMENDING ORDER OF BUSINESS FOR CITY COUNCIL MEETING AGENDAS**

Required Action: Motion

Staff has prepared an amended format to the current City Council agenda. The addition of a new section **XI. REPORTS FROM COMMISSIONS/COMMITTEES** will amend the order of business for City Council agendas.

F. Resolution of the Community Redevelopment Agency of the City of Union City **AUTHORIZING EXECUTION OF A RIGHT OF ENTRY AGREEMENT WITH MID-PENINSULA HOUSING COALITION TO ALLOW DEMOLITION WORK IN PREPARATION FOR THE PROPOSED MISSION BOULEVARD GATEWAY DEVELOPMENT**

Required Action: Motion

The Redevelopment Agency Board and Mid-Peninsula Housing Coalition entered into a Disposition Development and Loan Agreement to further development of the Mission Gateway affordable housing project. Mid-Peninsula does not anticipate closing on its construction loan until late December 2003. In the interest of demolishing the structures on Mission Boulevard as soon as possible, staff proposes to grant a Right of Entry Agreement to Mid-Peninsula and execute an Operating Memorandum to allow them to demolish the structures.

G. Urgency Ordinance: **ORDINANCE OF THE CITY OF UNION CITY REPEALING SECTION 12.08.275 OF THE UNION CITY MUNICIPAL CODE, RELATING TO THE TRENCH CUT FEE**

Required Action: Motion

The City recently discovered that the methodology recommended to the City by a paving design consultant and relied upon by the city for establishing the amount of the permit fee, was flawed. In order to assure that no one is charged this fee in the interim, it is necessary that this ordinance take effect immediately, thus repealing Section 12.08.275 and the imposition and collection of this fee.

XI. CONSENT CALENDAR/RESOLUTIONS (continued)

H. Final Ordinance No. 614-03: ORDINANCE AMENDING TITLE 12, CHAPTER 28, SECTION 12.28.340, SKATE PARK DESIGNATION AND RULES, OF THE UNION CITY MUNICIPAL CODE

Required Action: Motion

This is the second reading of Ordinance 614-03 which will amend Chapter 28, Section 12.28.340 of the Union City Municipal Code to include penalties for violations of the ordinance. The modified ordinance would include actual fine amounts for first, second and subsequent violations occurring within one year. In addition, the word “willful” in regard to the commission of a violation has been removed for clarification purposes, as the intent of the violator is not a factor in establishing a violation.

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 Only

XVII. GOOD OF THE ORDER

XVIII. ADJOURNMENT