

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.

**AGENDA FOR THE ADJOURNED
REGULAR CITY COUNCIL MEETING
CITY OF UNION CITY
JUNE 8, 2004, 6:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

6:00 P.M. - Council Conference Room

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

II. **CLOSED SESSION:**

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Subdivision (a) of Section 54956.9)

Name of Case: Bay Area Cellular Telephone Company doing business as AT&T Wireless Services; GTE Mobilnet of California Limited Partnership doing business as Verizon Wireless; Silvano Mendoza; and Walid Achikzai v. City of Union City, Alameda County Superior Court, Case No. HG 04-156822

B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Subdivision (a) of Section 54956.9)

Name of Case: Pacific Gas and Electric Company v City of Union City, U.S. District Court, Northern District of California, Case No. C 99-1805

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8 of the California Government Code)

Property: 35700 Alvarado Niles Road, APN 087-0020-003

Agency negotiators: Larry Cheeves, City Manager, Mark Leonard, Economic/Community Development Director, Counsel; Michael Riback, City Attorney; Mark Evanoff, Redevelopment Agency Manager

Under negotiation: Price and terms

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

One case

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.

Resolution 2639-04

Ordinance 626-04

Redevelopment Reso. 294-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JUNE 8, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. PLEDGE OF ALLEGIANCE

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

III. UNFINISHED BUSINESS - NONE

IV. APPROVAL OF MINUTES - NONE

V. PROCLAMATIONS/PRESENTATIONS

A. Resolution in honor of Police Officer of the Year
Required Action: Motion

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 XIII of the agenda if they wish.

VII. **HEARINGS**

A. **CAPITAL FACILITIES FEES**

1. **HEARING RE: CAPITAL FACILITIES FEE UPDATE** (Resolution)
Required Action: Motion

Staff is recommending the adoption of a Resolution to increase the Capital Facilities Fee for residential development from between 4 percent to 37 percent to reflect inflationary costs that have occurred over the last several years and new projects. The existing fees are \$8,908 for single-family units and \$6,282 for multi-family and secondary dwelling units. The variation in the possible cost increase is dependent upon final projects included in the Capital Facilities Fee by the City Council.

2. **HEARING RE: ZONING TEXT AMENDMENT AT-04-04**
(Resolutions and Introduction of Ordinance)
Required Action: Motion

Initiated by the City of Union City to amend the zoning text in Section 18.105.150, Fee Accounts of Chapter 18.105, Development Impact Fees, to consolidate the Public Buildings and Transit Facilities, to add two new projects and to remove specific account percentages. The City Council would adopt specific account percentages by resolutions as part of the Capital Facilities Fee updates.

VIII. REPORTS FROM CITY MANAGER

A. **Fiscal Year 2004-05 Recommended Budget**

Required Action: Motion

The purpose of this report is to present the proposed operating budget for FY 2004-05. Areas that are reviewed are the revenue and expenditure assumptions and proposed additions and revisions to balance the expenditures with the projected revenues anticipated in the coming fiscal year.

B. **Authorization for Release of a Request for Proposals to furnish Solid Waste, Recyclable Materials and Organic Waste Collection and Disposal Services** (Resolution)

Required Action: Motion

This resolution authorizes the release of Request for Proposals for solid waste, recyclable materials and organic waste collection and disposal. The RFP consists of the RFP, the draft Franchise Agreement for Solid Waste, Recyclable Materials and Organic Waste collection services, and the draft Solid Waste Disposal Agreement.

IX. REDEVELOPMENT AGENCY

X. AUTHORITIES/AGENCIES - NONE

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE

XII. 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/Agency, 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 APPROVING FINAL MAP OF TRACT 7405 IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATEMENT OF CALIFORNIA**

Required Action: Motion

KB Home South Bay Inc., has submitted Final Vesting Tract Map 7405 for approval for the Pacific States Steel site. The approved VTTM proposed to subdivide an approximate 21.1 acre parcel into 119 single family detached homes. Full street improvements on all streets within the development shall be provided and include curb and gutter, sidewalks, wheelchair ramps, street lights, underground utilities and paving.

B. **Resolution of the City Council of the City of Union City AUTHORIZING APPROVAL OF PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION (PSSC) PROJECT, CITY PROJECT NO. 03-25**

Required Action: Motion

An Letter of Understanding signed by the City of Union City, Gruens and Gruens (Special Master for the PSSC Development), and KB Homes with Alameda County Flood Control, allows the construction of an interim Line M detention basin on the PSSC site in the future Route 84 right of way corridor until Route 84 is constructed with a new Line M underground bypass system releasing into Alameda Creek. This detention basin includes a pump station facility to pump storm water back to the existing Line M channel. This resolution authorizes the plans and specifications for this project.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- C. Resolution of the City Council of the City of Union City INITIATING PROCEEDINGS FOR THE FORMATION OF THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND THE LEVY AND COLLECTION OF ASSESSMENTS, PURSUANT TO THE PROVISIONS OF PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Required Action: Motion

Resolution of the City Council of the City of Union City DESCRIBING PROPOSED IMPROVEMENTS AND SERVICES AND APPROVAL OF THE PRELIMINARY MANAGEMENT DISTRICT PLAN REGARDING THE PROPOSED FORMATION OF THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND THE LEVY AND COLLECTION OF ASSESSMENTS, PURSUANT TO THE PROVISIONS OF PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Required Action: Motion

Resolution of the City Council of the City of Union City DECLARING THE CITY'S INTENTION TO FORM THE UNION LANDING PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND THE LEVY AND COLLECTION OF ASSESSMENTS, PURSUANT TO THE PROVISIONS OF PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND CALL FOR AN ASSESSMENT BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS WITHIN SUCH DISTRICT THE QUESTION OF ESTABLISHING AN ASSESSMENT RANGE FORMULA FOR SUCH DISTRICT AND LEVYING SUCH ASSESSMENTS FOR SUCH DISTRICT

Required Action: Motion

The property owners within Union Landing and city staff are proposing the formation of the Property-Based Business Improvement District (PBID) for the purpose of covering costs of providing dedicated sworn police services.

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

- D. Resolution of the City Council of the City of Union City **OPPOSING SB 744 (DUNN AND DUCHENY), GIVING AUTHORITY TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO OVERTURN LOCAL LAND USE DECISIONS**

Required Action: Motion

SB 744 would give the California Department of Housing and Community Development (HCD) authority to overturn local land use decisions concerning housing by allowing the HCD to hear appeals from housing development applicants previously denied approval or granted approval with conditions of approval by a local jurisdiction. Staff is recommending Council oppose SB744.

- E. Resolution of the City Council of the City of Union City **APPROVING THE 2004-2005 ACTION PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2004-2005 ACTION PLAN AND APPLICATION FOR THE UNION CITY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Required Action: Motion

This resolution approves the 2004-05 Action Plan for the Community Development Block Grant Program and directs the City Manager to submit for funding the 2004-05 Action Plan to HUD for CDBG funding.

- F. Resolution of the City Council of the City of Union City **RATIFYING AND APPROVING THE EXECUTION OF AN INDEMNIFICATION AGREEMENT AND PERMANENT RIGHT OF ENTRY-STORM DRAIN FACILITIES AND ACCEPTANCE OF THE GRANT OF A STORM DRAIN EASEMENT**

Required Action: Motion

As part of the transfer of title of the property for the Elder Care Alliance Assisted Living Senior Housing Project from the RDA to Elder Care Alliance, Elder Care is granting to the City an easement for maintenance of a storm drain lying under portions of Parcel A of the property. In order to complete the property transaction, and to record the easement and other relevant documents, there must be evidence that the City has accepted the grant of the easement. This resolution accepts this grant of easement.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- G. Final Reading: Ordinance No. 625-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-01-04

Required Action: Motion

This is the second reading of Ordinance 625-04 which reclassifies land around the Union City BART Station to the Station Mixed Use Commercial (CSMU) zoning district.

- H. Rejection of Claim No. 583

Required Action: Motion

The City's Claim Administrator is requesting rejection of Claim No. 583 filed by John Marcus Fulghom regarding a 5150 detainment.

XIII. ORAL COMMUNICATIONS

XIV. CORRESPONDENCE - NONE

XV. APPROVAL OF BILLS - MONTH OF MAY

- A. Approval of disbursements for payment for Month of May 2004

Required Action: Motion

XVI. SCHEDULED ORAL COMMUNICATIONS - NONE

XVII. ITEMS REFERRED BY COUNCIL

- A. Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Required Action: Information Only

XVIII. GOOD OF THE ORDER

XIX. ADJOURNMENT