

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 22, 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 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

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

Property: 33459 and 33435 Mission Boulevard, APN 486-0003-032, 486-0003-033, and 486-0003-034-01

Agency negotiator: Larry Cheeves, Executive Director; Mark Leonard, Assistant Executive Director; Redevelopment Agency Counsel; Michael Riback, City Attorney; Mark Evanoff, Redevelopment Agency Manager

Under negotiation: Price and terms

C. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the California Government Code)

Agency designated representatives: City Manager Larry Cheeves; Deputy City Manager Tony Acosta; Rich Digre, Administrative Services Director

Employee Organization: Local 790, Management

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 22, 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 Mayorernandez, 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, May 25, 2004

Required Action: Motion

B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, June 1, 2004

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS**

A. **Resolution in recognition of the State Champion James Logan High School Men's Track and Field Team**

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. **HEARING RE: PATTERSON RANCH, INC. 33121 ALVARADO-NILES ROAD, USE PERMIT UP-05-04 AND ZONING MAP AMENDMENT, A-03-04** (Resolution and Introduction of Ordinance)

Required Action: Motion

The applicant is requesting approval of a Use Permit to demolish the existing Victorian residence and associated water tower on the property and a Zoning Map Amendment to remove the Landmark and Historic Preservation (LHP) Overlay zoning designation on the property located at 33121 Alvarado-Niles Road (APN: 475-0148-005). Notice is also give that the City has prepared a Negative Declaration on the project and has determined that the structures on site are in a state of disrepair that cannot be remodeled or rehabilitated in a manner which would allow a reasonable use or return from the property as it is commercially zoned.

VIII. REPORTS FROM CITY MANAGER

Item A will be addressed in a joint meeting of the City Council and the Community Redevelopment Agency

A. Fiscal Year 2004-05 Recommended Budget

1. Adoption of revised Gann Spending limits (Resolution)

State law requires that every California city prepare calculations each fiscal year of the city's maximum allowed appropriations. Once this amount has been calculated, cities are not permitted to exceed those limits. The calculated Gann limit of approximately \$94 million exceeds the proposed FY 2004/05 General Fund operating budget by almost \$63 million.

2) Adoption of Fiscal Year 2004-05 Proposed Operating Budget, Five Year Capital Improvement Plan, and RDA Budget and Implementation Plan (Resolutions)

IX. REDEVELOPMENT AGENCY

A. 2004/05 Business Retention Program with the Union City Chamber of Commerce (Resolution)

This resolution authorizes the Agency Executive Director to enter into a contract with the Union City Chamber of Commerce to accomplish a work program that will ensure a targeted, comprehensive effort towards business retention and help to maintain the City's economic base.

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 AUTHORIZING CITY MANAGER TO EXECUTE PIPELINE CROSSING AGREEMENT**

Required Action: Motion

In conjunction with City Project 03-25, it is necessary to install an 18 inch and a 42 inch storm water pipeline under the Union Pacific Railroad tracks which runs alongside the eastern property line of the Pacific States Steel Corporation site. This will allow water from M-Line Channel to drain to the Route 84 Detention Basin and pump the water back to the channel after a storm. This resolution authorizes the City Manager to execute the Pipeline Crossing Agreement with the Union Pacific Railroad Company.

B. **Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATING TECHNICAL PARTNERS PARTNERSHIP AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

Required Action: Motion

FEMA is seeking qualified partners to collaborate in maintaining up-to-date flood maps. The Cooperating Technical Partnership Agreement (CTP) program goal is to convert paper flood insurance rate maps into a digital format. Under this Agreement, the City will commit the appropriate and available human, technical and financial resources sufficient to coordinate effectively with all entities impacted by flood hazard identification efforts.

C. **Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE A FUND TRANSFER AGREEMENT WITH THE ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**

Required Action: Motion

This resolution authorizes the City Manager to execute a Funding Agreement with the Congestion Management Agency (CMA) for the City to be reimbursed for eligible costs related to the Alvarado-Niles Road Median and Pavement Rehabilitation Project, City Project No. 03-13.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- D. 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

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)

E. Resolution of the City Council of the City of Union City **SETTING THE PARAMEDIC SPECIAL TAX RATE FOR FISCAL YEAR 2004/2005**

Required Action: Motion

This resolution would adjust the Paramedic Special Tax rate by 0.5% to reflect the April 2003 to April 2004 increase in the Consumer Price Index (CPI) for All-Urban Consumers in the San Francisco Bay Area. This assessment is based on a benefit unit basis, where one benefit unit equals a single family residence. The actual assessment would increase from \$12.44 per benefit unit to \$12.50 per benefit unit.

F. Resolution of the City Council of the City of Union City **ESTABLISHING ANNUAL RATES FOR MUNICIPAL SOLID WASTE, YARD WASTE, RECYCLING, AND STORM WATER RUNOFF FOR 2004/2005**

Required Action: Motion

This resolution adjusts the rates charged for municipal solid waste collection, yard waste collection, recycling collection and storm water runoff program services by 0.5% to reflect the April 2003 to April 2004 increase in the Consumer Price Index (CPI) for All-Urban Consumers in the San Francisco Bay Area.

G. Resolution of the City Council of the City of Union City **CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF UNION CITY ON TUESDAY, THE SIXTH DAY OF NOVEMBER, 2001 FOR THE ELECTION OF CERTAIN OFFICERS OF UNION CITY, REQUESTING CONSOLIDATION WITH OTHER LOCAL ELECTIONS TO BE HELD ON SAID DATE AND REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS IN CONDUCTING SAID ELECTION**

A regularly scheduled election is to be held within the City of Union City on Tuesday, November 2, 2004, to elect one Mayor and one Councilmember for full terms of four years. Local elections which are called to be held on the same date in the same territory request the County to render services to the City with respect to the conduct of the election.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- H. Resolution of the City Council of the City of Union City AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR FUNDS FOR THE PURPOSE OF PROCURING CLEAN AIR VEHICLES FOR TRI-CED ECONOMIC DEVELOPMENT CORPORATION AND AUTHORIZING THE IMPLEMENTATION OF SAME IF THE APPLICATION IS APPROVED BY THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT BOARD OF DIRECTORS

Required Action: Motion

This resolution authorizes the submittal of a funding application to the Bay Area Air Quality Management District for the purpose of procuring clean air vehicles for Tri-CED Economic Development Corporation to be used in the collection of recyclable materials, solid waste and/or organic waste in the City.

- I. Resolution of the City Council of the City of Union City SETTING PUBLIC HEARING FOR LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to the Landscaping and Lighting District Act of 1972)

Required Action: Motion

In accordance with the Landscape and Lighting Act of 1972 and the California Government Code, the City Council is required to conduct a public meeting and hearing regarding the levy of assessments for the upcoming fiscal year. The services to be provided through this assessment district are generally described as “street lighting and signalization, street median and backup landscape maintenance, and street tree management” within the City limits. There is no change to the current assessment.

- J. Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT EXTENSION WITH MACIAS, GINI & COMPANY

Required Action: Motion

The City engaged the services of Macias, Gini & Company, a CPA and Management Consulting firm to perform the annual citywide audit. The agreement was for three years with the option to extend for two additional years. Staff is recommending an extension of the contract to cover the audit services for FY 2003/04.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

K. Resolution of the City Council of the City of Union City AMENDING THE AUTHORIZATION, COMPENSATION, AND CLASSIFICATION PLANS - WASTE/RECYCLING COORDINATOR

Required Action: Motion

This resolution authorizes the addition of the classification of a Waste/Recycling Coordinator. This position will handle solid waste and recycling issues, contracts and programs.

XIII. ORAL COMMUNICATIONS

XIV. CORRESPONDENCE - NONE

XV. APPROVAL OF BILLS - NONE

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