

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
SEPTEMBER 14, 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**

Property: APN 087-0020-003

Negotiators: City Manager Larry Cheeves; City Attorney Michael Riback; Economic and Community Development Director Mark Leonard

Under negotiation: Price and terms

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

Name of case: Shin vs. City of Union City
Case No. C-02-2648, U.S. District Court, Northern Division

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

Name of case: Brian Benitez, et al vs. Don Montoya, et al., United States District Court, Northern District of California, Case No. C 03-0392

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

Name of case: Bay Area Cellular Telephone Company et al, vs. City of Union City, Alameda County Superior Court, Case No. HG 04-161366

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

Name of Case: Munoz vs. City of Union City, Alameda County Superior Court Case H204672-7

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 15 or 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 2688-04

Ordinance 633-04

Redevelopment Reso. 301-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, SEPTEMBER 14, 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

- A. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, August 10, 2004
Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

A. Resolutions recognizing Fire and Police Department volunteers for their contributions to Public Safety in conjunction with the City of Union City's Public Safety Appreciation Day

Required Action: Motion

B. Resolution recognizing and welcoming the City of Chiang Rai, Thailand as Sister City to the City of Union City

Required Action: Motion

There will be a short reception at this time in honor of the Public Safety volunteers and the City of Chiang Rai.

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 - NONE

VIII. REPORTS FROM CITY MANAGER

A. Establishing procedures for administering low income refunds of Measure K Parcel Tax payments

Required Action: Motion

Staff is proposing a simple procedure for refunding Measure K parcel tax payments made by low-income households in Union City. The proposed refund procedure is consistent with the low-income Measure K exemption established by the Council.

IX. REDEVELOPMENT AGENCY - NONE

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 AGREEMENT WITH HILTON FARNKOPF & HOBSON LLC FOR RECYCLING/REFUSE COLLECTION VEHICLE IMPACT FEE ANALYSIS**

Required Action: Motion

The daily operation of heavy refuse collection vehicles (i.e., garbage trucks) on residential streets has been identified as a significant factor that contribute to the wear and tear. The constant starting and stopping of these vehicles which can exceed 25 tons in weight when fully loaded, shortens the useful lifespan of residential streets resulting in higher repair costs for the City. Staff is recommending an agreement with the firm of Hilton Farnkopf & Hobson to perform a resident refuse vehicle impact fee analysis.

B. **Resolution of the City Council of the City of Union City AUTHORIZING AN AGREEMENT WITH HILTON FARNKOPF & HOBSON LLC TO PROVIDE ANALYTICAL SERVICES REQUIRED FOR THE SETTLEMENT PROCESS OF COMPENSATION CLAIMS FILED BY WASTE MANAGEMENT, INC. OF ALAMEDA COUNTY FOR CALENDAR 2003 AND TAX YEAR 2003-04**

Required Action: Motion

Due to the complexity of the current franchise agreement between the City and Waste Management, Inc. of Alameda County, a series of compensation claims have been filed by Waste Management against the City for the past eight years. These claims continue with the most recent claim related to revenues the City owes Waste Management for calendar year 2003. Staff is recommending authorization of an agreement with Hilton Farnkopf & Hobson LLC to provide analytical services required for the settlement process of compensation claims.

C. Resolution of the City Council of the City of Union City **SUPPORTING STATE PROPOSITION 1A (NOVEMBER 2004)**

Required Action: Motion

Staff is recommending approval of State Proposition 1A, the Protection of Local Government Revenues proposition, which will prevent the state from the further taking of local government revenues.

D. Resolution of the City Council of the City of Union City **DECLARING CERTAIN PIECES OF CITY FURNITURE NOT IN USE AS SURPLUS**

Required Action: Motion

There are several old desks, chairs, tables and other miscellaneous used city items in storage at the Corporation Yard that are old and in poor condition and have reached the end of their usable life. Staff is requesting authorization to declare the furniture as surplus and to auction off them on E-Surplus Auction. Money received from the auction will be put back into the general fund account.

E. Resolution of the City Council of the City of Union City **ACCEPTING PUBLIC IMPROVEMENTS FOR THE UNION LANDING BOULEVARD WIDENING, CITY PROJECT NO. 02-51**

Required Action: Motion

Bay Cities Paving has completed all public improvements for the Union Landing boulevard Widening Project, City Project No. 02-51. The goal of this project was to widen Union Landing boulevard from Alvarado-Niles Road to the Lowe's intersection, install a continuous Union Landing Boulevard landscaped median and modify the Alvarado-Niles traffic signal, lengthen left-turn pockets on Alvarado-Niles Road, landscape the north side of Alvarado-Niles Road and install a new traffic signal at Courthouse Drive and Holly Way.

- F. Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE THE ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY (CMA) FUND TRANSFER AGREEMENT FOR CMA TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FUNDS FOR THE UNION CITY INTERMODAL STATION, PHASE 1 PROJECT

Required Action: Motion

The Alameda County Congestion Management Agency (CMA) has prepared a Fund Transfer Agreement under the CMA Transportation Improvement Program (CMA TIP) which specifies the terms and conditions for reimbursement from the CMA to the City for the Intermodal Station Phase 1 project. The \$1,000,000 in funds available from CMA TIP are eligible for the preliminary engineering and final design cost as part of the design contract with Roma Design Group, Inc.

- G. Resolution of the City Council of the City of Union City DECLARING CERTAIN VEHICLES NOT IN USE AS SURPLUS

Required Action: Motion

There are 14 surplus vehicles in storage at the Corporation Yard which are all in poor condition and have become too costly to maintain and are retired from service. Staff is requesting that these vehicles are declared as surplus and authorization to send them to auction at Nation Wide Auto Action in Benicia, CA. Money received from the action will be put back into the vehicle replacement account.

- H. Resolution of the City Council of the City of Union City APPROVING DONATION OF ONE 1987 JEEP CHEROKEE TO THE POLICE ATHLETIC LEAGUE

Required Action: Motion

The 2004/05 budget included authorization for the replacement of one 1987 Jeep Cherokee which has been replaced. The Police Athletic League has requested this vehicle donated to them.

I. **Resolution of the City Council of the City of Union City AWARDING CONTRACT AND PURCHASE OF ONE BACKUP NATURAL GAS COMPRESSOR SKID, CITY PROJECT NO. 04-19**

Required Action: Motion

The Alameda County Congestion Management Agency and the Bay Area Air quality Management District approved a grant for the purchase and installation of one backup compressor for the compressed natural gas fuel station in the amount of \$50,000. Staff is requesting authorization to approve an agreement with Accel Project systems, Inc. to install this backup compressor.

J. **Resolution of the City Council of the City of Union City APPROVING EXECUTION OF AN EASEMENT AGREEMENT AND AUTHORIZING ACCEPTANCE OF AN EASEMENT FOR PIPELINE CONSTRUCTION PURPOSES IN CONNECTION WITH DEVELOPMENT OF A STORM WATER DETENTION BASIN SYSTEM ON THE PSSC ROUTE 84 PROPERTY BEING ACQUIRED BY THE CITY**

Required Action: Motion

The City is constructing a Detention Basis system within the PSSC Route 84 right-of-way that will provide drainage for development of the former PG&E property and the former PSSC property. One component of the system is constructing two pipes within the 2C detention basin owned by 2C Development Co., LLC. The two pipes will connect the Route 84 Detention Basin to the Line M Flood Control Channel. The Council is requested to accept an easement from the 2C Development Co. to construct and operate two pipes within the 2C detention basin.

K. **Resolution of the City Council of the City of Union City AUTHORIZING THE FIRST RESPONDER ADVANCED LIFE SUPPORT AGREEMENT WITH THE COUNTY OF ALAMEDA**

Required Action: Motion

Union City has participated in the County's First Responder Advanced Life Support agreement for ten years. The agreement provides revenue to the city for providing medical Advanced Life support services by the Fire Department. Monies are paid to the County by the private ambulance contractor as a provision of the transport agreement. Portions of these monies are passed on to the cities providing these services to offset a portion of the total costs to provide this service level.

L. Resolution of the City Council of the City of Union City **APPROVING SITE DEVELOPMENT REVIEW SD-08-04 TO ALLOW A MEDICAL CLINIC AND RETAIL COMMERCIAL BUILDING**

Required Action: Motion

Washington Hospital and Berkeley Land are requesting approval of a Site Development Review Permit to construct a 5,490 square foot one-story medical office building for Washington Hospital with an associated 2,050 square foot conference center on property located at 33077 Alvarado-Niles Road and a 7,350 square foot one-story retail commercial building on property located at 33121 Alvarado-Niles Road. The proposed project is considered Categorical Exempt per Section 15332, Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

M. FINAL READING ORDINANCE NO. 633-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 7.20.050 AND 7.20.130 OF THE UNION CITY MUNICIPAL CODE PERTAINING TO AUTHORIZING REFUNDING OF 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEES**

Required Action: Motion

This ordinance amends Sections 7.20.05 and 7.20.130 of the Union City Municipal Code and authorizes the refunding of 911 Emergency Communication System Response Fee (911 Fees) paid for phones that are physically located outside of Union City and do not have a 510 area code; and 911 fees paid by businesses that exceed 20% of the total monthly telecommunications bills for the company, on a carrier by carrier basis.

XIII. **ORAL COMMUNICATIONS**

XIV. **CORRESPONDENCE - NONE**

XV. **APPROVAL OF BILLS - MONTH OF AUGUST**

A. Approval of disbursements for month of August 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