

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 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.

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Resolution 2762-04

Ordinance 637-04

Redevelopment Reso. 305-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, NOVEMBER 9, 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 regular City Council meeting of Tuesday, October 26, 2004

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS - NONE**

- A. Resolution in honor of Bob Kruger upon his retirement from the Union City Police Department
Required Action: Motion
- B. Resolution in honor of the 2004 Public Works/Leisure Services/Transit Employee of the Year
Required Action: Motion
- C. Resolution in honor of 2004 Public Safety Employee of the Year
Required Action: Motion
- D. Resolution in honor of 2004 General Government Employee 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. **HEARING RE: VACATION OF RIGHTS-OF-WAY IN THE CITY OF UNION CITY** (Resolution)
Required Action: Motion

Pinn Brothers Construction has requested vacation for a portion of property on the west of existing Union City Boulevard right-of-way alignment south of Bettencourt Way. The proposed right-of-way vacation consists of three parcels, designated Parcel 1, Parcel 2, and Parcel 4. (Parcel 3, now right-of-way and being used for road purposes, will be granted separately to the City).

VIII. REPORTS FROM CITY MANAGER

A. Report on Shorty Garcia Park improvements

Required Action: Motion

This report provides background information and recommendations regarding future actions that can be taken to enhance the public recreational amenities in Shorty Garcia Park.

B. Report on surrounding cities' citizenship requirements or registered voter status for City Commissions

Required Action:

This report is in response to Council's consideration of revising the City's requirement that register voter status be a condition of membership on the City's Commissions.

C. Report and recommendations for a new Solid Waste Collection Franchise Agreement

Required Action: Motion

This report summarizes the evaluation of proposals recently received for solid waste collection and disposal services. Recommendations regarding the selection of a solid waste collection contractor and next steps in the procurement process are provided.

D. Status report on Urgency Ordinance for Union Landing Commercial (CUL) District

Required Action: Accept Report

The Council adopted an urgency ordinance on October 18, 2004 making the finding and establishing a moratorium on approval of permits for development in the Union Landing Commercial District pending the completion of an update to Chapter 18.39 of the City's Municipal Code. The Government Code requires a written report submitted to the Council ten days prior to the expiration of the interim ordinance which describes the measures taken to alleviate the condition identified in the interim Ordinance.

E. Fiscal Year 2004/05 First Quarter Report on Budget to Actual Results

Required Action: Accept Report

This report provides an analysis of the City's General Fund finances (revenues and expenditures) during the first three months of the 2004-05 fiscal year and compares the results with the financial plan contained in the Annual Budget.

IX. REDEVELOPMENT AGENCY

- A. Resolution authorizing the Community Redevelopment Agency to enter into an Exclusive Negotiating Rights Agreement with TMG Partners for the Former PG&E Storage Yard within the Intermodal Station District

Required Action: Motion

This resolution authorizes staff to prepare an Exclusive Negotiating Agreement with TMG Partners for the purpose of establishing procedures for negotiating a Disposition and Development Agreement between the Redevelopment Agency and TMG Partners to develop the former PG&E Pipe Storage Yard within the Intermodal Station District Development Plan.

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 AN AGREEMENT WITH WASTE MANAGEMENT, INC. OF ALAMEDA COUNTY FOR EXTENSION OF TERM OF COLLECTION AGREEMENT AND TO PROVIDE SHORT-TERM LANDFILL DISPOSAL CAPACITY THROUGH JUNE 30, 2005

Required Action: Motion

The City and WMIAC have negotiated a proposed agreement to extend the current solid waste/yard waste collection agreement, as well as to provide short term landfill disposal services at the Tri City landfill, which is nearing the end of its useful lifespan.

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

- B. Resolution of the City Council of the City of Union City **AUTHORIZING A TEN YEAR EXTENSION TO THE LICENSE AGREEMENT BETWEEN THE CITY OF UNION CITY AND THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR USE OF CERTAIN DESIGNATED FLOOD CONTROL CHANNELS FOR TRAILS AND RELATED RECREATIONAL USES THROUGH NOVEMBER 4, 2014**

Required Action: Motion

This resolution authorizes a ten year extension to an existing license agreement between the City and the Alameda County Flood Control and Water Conservation District for the City's continued use of flood control channels located in Union City for trail and related recreational purposes.

- C. Resolution of the City Council of the City of Union City **APPOINTING CITY REPRESENTATIVES TO THE STATE LIBRARY CONSTRUCTION BOARD MEETING OF NOVEMBER 29-30, 2004**

Required Action: Motion

This resolution designates City Council representative(s) for the upcoming grant selection meeting of the State Library Construction Board to be held in Sacramento on November 29-30, 2004.

- D. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.2(c) AND 33333.6(e)(2)(C), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH**

Required Action: Motion

The State Legislature passed a law that required redevelopment agencies to contribute to the Educational Revenue Augmentation Fund. The law included a provision that allowed an agency board by ordinance to extend the term of a redevelopment plan by one year to compensate for the ERAF payment. Staff is recommending introduction of the ordinance approving the amendment to the Redevelopment Plan and adoption of the proposed Notice of Exemption for the Ordinance.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- E. Resolution of the Community Redevelopment Agency of the City of Union City DECLARING THE OFFICIAL INTENT OF THE AGENCY TO REIMBURSE CERTAIN CAPITAL EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS

Required Action: Motion

This Agency resolution approves the Community Redevelopment Agency's intent to reimburse the City from bond proceeds for costs related to certain public improvements.

- F. Resolution of the City Council of the City of Union City ACCEPTING A GRANT OF RIGHT-OF-WAY

Required Action: Motion

Pinn Brothers Construction has submitted a Grant Right-of-Way which will clear title to a small triangular portion of right-of-way, 0.022 acres between Bettencourt Way and Cambridge Way created in the realignment of Union City Boulevard.

- G. Resolution of the City Council of the City of Union City AUTHORIZING APPROVAL TO APPLY FOR 2002 RESOURCE BOND ACT, ROBERTI-Z'BERG-HARRIS URBANIZED AREA NEED-BASIS PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR RENOVATION OF CHARLES F. KENNEDY PARK YOUTH (AGES 8-11) AND JUNIOR (AGES 9-13) PLAY LOTS

Required Action: Motion

This resolution authorizes approval to apply for grant funding in the amount of \$250,000 from the Roberti-Z-Berg-Harris (RZH) Grant Program to renovate Charles F. Kennedy Park youth (ages 8-11) and junior (ages 9-13) play lots. Approval is also requested to allocate funds from Park Dedication Fees in the amount of \$107,142.85 to meet the required local match if grant funding is approved.

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

- H. Resolution of the City Council of the City of Union City **APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$778,606 UNDER THE YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM OF THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE YOUTH RESOURCE CENTER (GYMNASIUM) PROJECT**

Required Action: Motion

This resolution authorizes the Leisure Services Department and the City Manager to apply for funds in the amount of \$778,606 for the Youth Resource Center (gymnasium) project. Local matching funds are already appropriated to this project in amounts that far exceed the grant request.

- I. Resolution of the City Council of the City of Union City **ACCEPTING IMPROVEMENTS FOR 2002-03 OVERLAY PROGRAM, CITY PROJECT NO. 02-46**

Required Action: Motion

DeSilva Gates Construction has completed the improvements for 2002-03 Overlay Program. This project consisted of doing base repair of failed pavement areas, asphalt concrete pavement milling, installation of pavement reinforcing fabric and asphalt concrete overlay of the project streets in order to extend service life and to improve ride quality.

- J. Resolution of the City Council of the City of Union City **APPROVING TENTATIVE PARCEL MAP TPM 8509**

Required Action: Motion

The City of Union City is requesting approval of a revised Tentative Parcel Map to consolidate land at the Union Landing Transit Center and establish a remnant parcel of approximately 9,507 square feet. The parcel map includes consolidating several remnant pieces that are part of the transit center and establishing a remnant parcel that is located between the transit center and Alvarado-Niles Road.

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

K. Resolution of the City Council of the City of Union City **ADOPTING REVISED ANNUAL REVENUE PROJECTIONS FOR FISCAL YEAR 2004-05**

Required Action: Motion

This resolution will revise the General Fund Budget based on the new information received wherein the State will replace a part of the City's Sales Tax dollars with a like amount of Property Tax dollars (known as the Triple Flip). There is no fiscal impact on the City's General Fund revenues. This revision will serve to correctly state the City's revenue sources between Sales Taxes, Property Taxes, and Motor Vehicle License Fees (MVLFF).

L. Resolution of the City Council of the City of Union City **IN SUPPORTING THE APPLICATION SUBMITTED BY ST. ROSE HOSPITAL FOR MEASURE A FUNDING FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH MEDICAL SERVICES PROVIDED TO LOW INCOME, UNINSURED AND/OR MEDICALLY INDIGENT ADULTS IN UNION CITY AND SOUTHERN ALAMEDA COUNTY**

Required Action: Motion

This resolution is in support of the efforts of St. Rose Hospital to secure Measure A funding for reimbursement of costs associated with medical services provided to uninsured and medically indigent adults in Union City and Southern Alameda County. This financial commitment is estimated to benefit 92% of the low income residents in Hayward, Union City, Newark and Fremont.

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

- M. **FINAL READING ORDINANCE 636-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE TO ALLOW A PLANNED UNIT DEVELOPMENT DESIGNATION ON MIXED-USE PROJECTS WITHIN THE OLD ALVARADO AND MISSION BOULEVARD NEIGHBORHOODS, ZONING TEXT AMENDMENT AT-05-04**

Initiated by the City of Union City, a proposal to amend Chapter 18.44, Planned Unit Development, to permit planned unit developments on mixed-use (commercial and residential) parcels smaller than five acres in the Community Commercial (CC) and Specialty Commercial (CS) Districts within the Old Alvarado and Mission Boulevard neighborhoods with density limitations based on the RM 1500 standards. Also, proposed is an amendment to add a section to Chapter 18.36, Commercial District, to specifically address special design and siting criteria for the Mission Boulevard commercial corridor.

- N. **INTRODUCTION OF ORDINANCE: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 7.04.130 OF THE UNION CITY MUNICIPAL CODE TO MAKE THE COLLECTION OF CURBSIDE RECYCLING MATERIALS BY UNAUTHORIZED PERSONS AN INFRACTION**

Required Action: Motion

This legislation will revise the Union City Municipal Code to provide for a revised bail schedule and infraction ordinance applicable to curbside recyclable theft in Union City.

XIII. **ORAL COMMUNICATIONS**

XIV. **CORRESPONDENCE - NONE**

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

- A. **Approval of disbursements for month of October 2004**

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