

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
DECEMBER 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 Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, 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 - ANTICIPATED LITIGATION**

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

Potential Cases: One

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

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

Employee Organization: Police Officers Association

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 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 2787-04

Ordinance 641-04

Redevelopment Reso. 305-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, DECEMBER 14, 2004, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. PLEDGE OF ALLEGIANCE

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

III. UNFINISHED BUSINESS - NONE

IV. APPROVAL OF MINUTES

A. Approval of Minutes of the regular City Council meeting of Tuesday, November 23, 2004

Required Action: Motion

B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, November 30, 2004

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS - NONE**

- A. Resolution in recognition of the Hopeconnections Club
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: **DISBURSEMENT OF STATE GRANT FUNDS FROM THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES** (Resolution)
Required Action: Motion

The City has received State grant funds from the State of California Supplement Law Enforcement Services for funds restricted to the use for Front Line Municipal Police Services. Prior to utilizing the funds, the grant requires the local governing unit to hold a public hearing to solicit public comments and to determine how the funds will be expended.

- B. HEARING RE: **PAN-CAL, 32727 ALVARADO-NILES ROAD, GENERAL PLAN AMENDMENT AG-03-04, ZONING MAP AMENDMENT A-06-04, AND TENTATIVE TRACT MAP** (Introduction of Ordinance)

Leonard Hufton, on behalf of Pan-Cal, is requesting approval of a General Plan Amendment (AG-03-04) from CR (Retail Commercial) to R6-10 (6-10 units/acre) and a Zoning Map Amendment (A-06-04) from CN (Neighborhood Commercial) to RS 4500 (Single Family Residential) on property located at 32727 Alvarado-Niles Road (APN 475-0157-051). The applicant is also requesting a Tentative Tract Map to allow the subdivision of the subject property into 15 lots, including 13 single-family residential lots and two (2) duplex lots with a minimum single-family lot size of 4,500 square feet. The subject property is located on the south side of Alvarado-Niles Road, east of Medallion Drive. The City as lead agency has prepared a Negative Declaration for the property.

Applicant has requested that this hearing be continued until January 11, 2005.

VIII. REPORTS FROM CITY MANAGER

- A. Report from City Attorney regarding Proposition 59
Required Action: Information

This report provides a summary of Proposition 59 which became effective November 3, 2004.

- B. Report on amending Union City Municipal Code regarding swearing in of new Councilmembers
Required Action: Accept report and provide staff direction

This report is written in response to suggestion made at the Council meeting of November 23, 2004 regarding changing the swearing in date for newly elected (or re-elected) Councilmembers, and the selection of the Vice Mayor.

- C. Follow-up Report and Recommendations on a Proposed Flight 93 Memorial to be located in Sugar Mill Landing Park
Required Action: Motion

This report provides follow-up information on the Flight 93 Memorial that has been proposed by Michael Emerson to be installed and maintained in Sugar Mill Landing Park at no expense to the City of Union City.

- D. Council Committee Appointments
Required Action: Motion

With the election of Councilmember Navarro, it is necessary to reassign Council members to appointments on County Boards and Commissions.

IX. REDEVELOPMENT AGENCY

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

- A. Briefing on Intermodal Station Phase IA Project (Resolution)
Required Action: Information

Phase 1A includes the pedestrian underpass under the BART and UPRR tracks, BART parking lot reconfiguration, Decoto Road connector, and interim BART parking lot on the PG&E property.

X. AUTHORITIES/AGENCIES

Item A will be address in a joint meeting between the Redevelopment Agency, the City Council and the Public Financing Authority.

- A. Authorization for the issuance and sale of Tax Allocation Bonds in connection with the Community Redevelopment Program and approving related documents and actions (Resolutions)
Required Action: Motion

Staff is requesting authorization for the issuance and sale of the Redevelopment Agency of the City of Union City Tax Allocation Bonds, Series 2005 and approval of documents, actions and other matters related.

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 THE REPLACEMENT OF FIRE PROTECTIVE CLOTHING
Required Action: Motion

Each firefighter is equipped with a protective clothing ensemble that protects them from the hazardous environment that they frequently work in. The major components of this ensemble consist primarily of the turnout pants and jacket. These clothing items suffer normal wear and tear and heat damage. The protective clothing purchased in 2000 has concluded its useful lifespan and needs to be replaced.

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

B. **Resolution of the City Council of the City of Union City AWARDING CONTRACT FOR ONE HOSTAGE NEGOTIATING PHONE SYSTEM**

Required Action: Motion

The Police Department solicited three bids for the Hostage Negotiating Phone System and received one bid. The Hostage Negotiating Phone System will be utilized by the SWAT and HNT (Hostage Negotiations) teams during a hostage or crisis situation. The Hostage Negotiating Phone System will help in bringing crisis incidents to a successful conclusion. Staff is requesting authorization to award the bid to Enforcement Technologies for the purchase of the Hostage Negotiating Phone System.

C. **Resolution of the City Council of the City of Union City APPROVING TENTATIVE PARCEL MAP 8519**

Required Action: Motion

Guy S. Luna, 33351 6th Street, is requesting approval of a Tentative Parcel Map to subdivide into two parcels both having 5,000 square feet in area. All existing structures are proposed to be removed and no new structures are being proposed at this time.

D. **Resolution of the City Council of the City of Union City APPROVING SITE DEVELOPMENT REVIEW SD-13-04 AND USE PERMIT UP-10-04**

Required Action: Motion

The applicant, Skyventure, Alvarado-Niles Road and Union Landing, is requesting Site Development Review (SD-13-04) and Use Permit (UP-10-04) approval to construct an approximately 5,848 square foot, two story building for a skydiving simulator for entertainment purposes. The 9,507 square foot property is located on Alvarado-Niles Road directly east of the Union 76 gas station (APN 463-0060-018-22 (portion), TPM 8509, Parcel 3. The City certified an EIR in 1995 that cleared up to 1 million square feet of retail/commercial and entertainment uses for Union Landing. No additional environment review is required.

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

- E. Resolution of the City Council of the City of Union City **APPROVING PURCHASE AND SALE AGREEMENT FOR SKYVENTURE SILICON VALLEY, LLC**

Required Action: Motion

The Council had determined that remnant properties would be sold as part of the 2003/04 budget. One of these properties is Parcel 3 located on Alvarado-Niles Road between the Union 76 gas station and the Lowe's parking lot. Skyventure SV is interested in purchasing this site.

- F. Resolution of the City Council of the City of Union City **AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH VALI COOPER & ASSOCIATES, INC. FOR BRIDGE CONSTRUCTION INSPECTION, PROJECT COORDINATION/DOCUMENTATION, CONSTRUCTION STAKING AND MATERIAL TESTING FOR CITY PROJECT NO. 03-09, GREEN STREET OVERCROSSING (FUTURE ROUTE 84)**

Required Action: Motion

Staff is recommending authorizing a contract agreement with Vali Cooper & Associates for providing bridge construction inspection, project coordination/documents, construction staking and material testing services for the Green Street Overcrossing project. This project proposes to construct a bridge over future Route 84 to connect the KB Home Single Family Home parcel to 11th Street via Green Street.

- G. Resolution of the City Council of the City of Union City **AWARDING CONTRACT FOR THE WHIPPLE ROAD SIDEWALK IMPROVEMENT, CITY PROJECT NO. 03-14**

Required Action: Motion

This project involves the construction of sidewalk along the southside of Whipple Road from Ithaca Street to Second Street. The project will also provide landscaping and irrigation for the median at Ithaca, at the corner of Third Street and Whipple Road. Staff is recommending awarding the bid to Rosas Brothers Construction of Oakland.

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

H. **Resolution of the City Council of the City of Union City ACCEPTING THE UNION CITY POLICE DEPARTMENT REMODEL, PHASES I AND II, CITY PROJECT NO. 02-28**

Required Action: Motion

Page Construction Company has completed the remodel projects in accordance with the plans and specifications. Phase I included enlarging the existing women's locker room/restroom area, environmental improvements to the heating, ventilation and air conditioning system (HVAC), improvements to the light, hard walls in the Police Chief's area for additional privacy, security upgrades to the front counter and lobby area, and acoustic tile ceiling work in the addition areas. Phase I included hard walls for the Police Captains' office areas for privacy, additional HVAC work, improvement to the lighting, and a new T-bar ceiling throughout the facility.

I. **Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MARK THOMAS AND CO., INC. FOR PREPARATION OF PLANS, SPECIFICATIONS, ESTIMATES AND PERMITS FOR CITY PROJECT NO. 04-23, LINE M BOX CULVERT STRUCTURES, PHASE 2 & PHASE 3**

Required Action: Motion

This resolution authorizes execution of Contract Amendment No. 6 with Mark Thomas and Co., Inc. in the amount of \$156,234 for the preparation of plans, specifications, estimates and permits for the Line M Box Culvert Structures. Phases 2 and 3 propose to convert the existing Line M concrete-lined channel between the PG&E site and the PSSC site to a continuous covered box culvert structure over the Line M channel to maximize development, incorporate a multi-purpose trail (bike, pedestrian and fire access) and provide a landscaped open-space buffer between the two properties.

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

- J. Resolutions of the City Council of the City of Union City **AMENDING THE CITY OF UNION CITY'S INVESTMENT POLICY; AUTHORIZING INVESTMENTS OF MONIES WITH THE LOCAL AGENCY INVESTMENT FUND; AND AUTHORIZING SIGNATURES ON ORDERS OF PAYMENT OF MONEY**

Required Action: Motion

Three resolutions have been prepared that pertain to the City's cash management and investment policy. These policy changes are recommended to be updated on an annual basis.

- K. Resolution of the City Council of the City of Union City **ADOPTING THE BUSINESS LICENSE FEE SCHEDULE FOR THE FISCAL YEAR 2004-05**

Required Action: Motion

The City's Municipal Code provides for an annual adjustment of the business license fees. The proposed increase applies only to all flat fees (no change of rate for those that are based on gross payroll or gross receipts). An increase of three percent, the minimum, is recommended.

- L. Resolution of the City Council of the City of Union City **APPOINTING INDIVIDUAL TO SERVE ON THE ALAMEDA COUNTY MOSQUITO ABATEMENT BOARD**

Required Action: Motion

Ronald Quinn was appointed to the Alameda County Mosquito Abatement Board to fill a term which expired January 2, 2003. Mr. Quinn has served since March 2001. This resolution reappoints Ronald Quinn to the Alameda County Mosquito Abatement Board with a term expiring January 1, 2007.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- M. FINAL READING ORD. 639-04: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 2.20.030, 2.25.020, 2.26.020, 2.27.020 OF THE UNION CITY MUNICIPAL CODE RELATING TO QUALIFICATIONS FOR MEMBERSHIP ON THE PARKS AND RECREATION COMMISSION, HUMAN RELATIONS COMMISSION, SENIOR CITIZENS COMMISSION, AND ARTS COUNCIL OF THE CITY, RESPECTIVELY

Required Action: Motion

This Ordinance 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.

- N. FINAL READING ORD. 640-04: 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.

- O. Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY ADDING CHAPTER 10.53 TO TITLE 10 OF THE UNION CITY MUNICIPAL CODE CONCERNING THE PURCHASE AND SALE OF POCKET BIKES AND MOTORIZED SCOOTERS

Required Action: Motion

This ordinance will prohibit pocket bikes from driving on public streets; prohibit motorized scooters from driving on city streets with a speed limit over 25 mph; and will require retail owners to provide each purchaser of a pocket bike or motorized scooter with relevant California Vehicle Code provisions.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

P. Claim No. 588, 602, and 603

Required Action: Motion

Staff is requesting rejection of Claim No. 588 filed by Larcy Katindoy regarding alleged damage to claimant's vehicle as a result of a falling tree limb.

Staff is requesting rejection of Claim No. 602 filed by Shirley Barnes regarding alleged minor injuries from a sidewalk fall.

Staff is recommending rejection of Claim No. 603 filed by Claudette Begin for alleged injury as a result of a fall on a PG&E sidewalk vault.

XIII. ORAL COMMUNICATIONS

XIV. CORRESPONDENCE - NONE

XV. APPROVAL OF BILLS - MONTH OF NOVEMBER

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

B. Request by Mayor Green for discussion on Fire Department Survey

XVIII. GOOD OF THE ORDER

XIX. ADJOURNMENT