

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
JANUARY 11, 2005, 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 REAL PROPERTY NEGOTIATORS**
(Pursuant to Subdivision (a) of Section 54956.8)

Property: 1100 Decoto Road, APN 087-0019-004-02

Agency negotiator: Larry Cheeves, Executive Director; Mark Leonard, Assistant Executive Director; Mark Evanoff Redevelopment Agency Manager

Under Negotiation: Various terms and conditions and encumbrances that are impacting value of property

B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Potential Cases: Three

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

Name of Case: ANG NEWSPAPERS, INC., dba The Argus v. Union City, Hayward Superior Court, Case No. HGO4190105

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 2805-05

Ordinance 642-05

Redevelopment Reso. 308-05

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 11, 2005, 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, December 14, 2004

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS**

- A. Proclamation proclaiming January 2005 as National Volunteer Blood Donor Month

Required Action: Motion

- B. Presentation on Multifamily Green Building Guidelines

Required Action: Information only

Karen Kho, Program Manager of Alameda County Waste Management Authority, will present information to the Council on Multifamily Green Building Guidelines.

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. HEARINGS RE:

1. **PAN-CAL, 32727 ALVARADO-NILES ROAD, GENERAL PLAN AMENDMENT AG-03-04 (a)** (Resolution)

Required Action: Motion

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). 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.

2. **CITY OF UNION CITY GENERAL PLAN AMENDMENT AG-03-04 (b)**

Required Action: Motion

The City of Union City is seeking approval of General Plan Amendment (AG-03-04 (b)) to amend the text of the General Plan Land Use Element for Union Landing and add a new figure to illustrate the boundaries of the various development types described for Union Landing. The application is considered exempt from CEQA as no new project will result from these proposed modification and no further environmental review is required.

VII. HEARINGS (continued)

B. HEARING RE: **PAN-CAL, 32727 ALVARADO-NILES ROAD, ZONING MAP AMENDMENT A-06-04, AND TENTATIVE TRACT MAP TTM 7576** (Introduction of Ordinance and adoption of Resolution)

Required Action: Motion

Leonard Hufton, on behalf of Pan-Cal, is requesting approval of 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.

C. HEARING RE: **CITY OF UNION CITY, ZONING TEXT AMENDMENT AT-06-04** (Introduction of Ordinance)

Required Action: Motion

Initiated by the City of Union City, as applicant, a request to modify Chapter 18.39, Union Landing Commercial (CUL) District of the Municipal Code to strengthen and clarify the text to support regional and sub-regional uses. This application is considered exempt from CEQA as there is no proposed change in land use intensity and no new project that will result from these changes, therefore, no further environmental review is required.

VIII. REPORTS FROM CITY MANAGER

A. Report on Rotational Towing Agreement

Required Action: Motion

This item is brought forth to advise the Council of the current status of the Police Department's Rotational Towing Agreement and of proposed changes to the Agreement.

VIII. **REPORTS FROM CITY MANAGER** (continued)

B. **FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND ORGANIC WASTE COLLECTION AND PROCESSING** (Resolution)

Required Action: Motion

A resolution has been prepared authorizing a Franchise Agreement between the City and BFI Waste Systems of North America, Inc., dba BFI of Alameda County, for Solid Waste, Recyclable Materials, and Organic Waste Collection Services.

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 AMENDING THE EMPLOYEE CLASSIFICATION AND COMPENSATION PLAN FOR 2003/2004 AND 2004/2005**

Required Action: Motion

This resolution will approve the City's Employee Classification and Compensation Plan for FY 04/05 and amend the FY 03/04 Employee Classification and Compensation Plan to include the plan reflecting the base salary plus PERSable benefits for management employees. The resolution will also approve the title change of the classification for the Senior Computer Analyst to Senior Systems Analyst in the Administrative Services Division.

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

- B. **Resolution of the City Council of the City of Union City APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZATION TO GO TO BID FOR THE PARK AT JOHNSON PROPERTY SITE, CITY PROJECT NO. 03-16**

Required Action: Motion

This project consists of developing Phase I of the Johnson property site into a park. The general work description includes planting trees, shrubs, lawn, and irrigation, hardscape to include concrete walls, pilasters, seat walls and asphalt trail walks, custom metal fencing, lighting, grading and drainage, and park amenities to include play structures, safety surface and a water feature.

- C. **Resolution of the City Council of the City of Union City APPROVING NON-COMPETITIVE PROCUREMENT FOR THE DIGITAL SECURITY SYSTEM FOR THE POLICE DEPARTMENT AND CIVIC CENTER COMPLEX**

Required Action: Motion

Staff is requesting Council approval to seek non-competitive procurement for a digital security system to replace and upgrade the existing security system in use at the Police Department and Civic Center complex.

- D. **Resolution of the City Council of the City of Union City APPROVING PBP LIMITED PARTNERSHIP, 30639-30995 UNION CITY BOULEVARD, SITE DEVELOPMENT REVIEW SD-12-04, VARIANCE V-06-04, USE PERMIT UP-09-04 AND TENTATIVE TRACT MAP TTM 7578;**

Initiated by Rob Peterson, on behalf of PBP Limited Partnership, the applicant is requesting approval to construct a mixed-use (residential and commercial) development with approximately 20,000 square feet of commercial area and 22 residential units. The applicant is seeking approval of a Variance for Parking, a Use Permit approval to allow a Planned Unit Development designation on the project site, and a Tract Map to merge the five existing parcels. The project site is located at 30639-30995 Union City Boulevard (APN(s): 482-0010-086-00, 482-0011-001-002, 482-0011-002, 482-0011-003-004, 482-0011-014-002) and is currently zoned CS, Specialty Commercial. The City has determined that the above referenced project will not have a significant, adverse effect or impact on the environment and as lead agency has prepared a Negative Declaration that is available for review at City Hall and no further environmental review is required.

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

E. Resolution of the Community Redevelopment Agency of the City of Union City
AUTHORIZING CONSULTING CONTRACT WITH WILLIAM
CLAGGET ASSOCIATES CALENDAR YEAR 2005

Required Action: Motion

This authorizes a \$40,000 contract between the Redevelopment Agency and William Claggett Associates to provide Project Management Assistance in the formation of a Disposition and Development Agreement with TMG Partners to privately develop a portion of the Intermodal Station District owned by the Redevelopment Agency. The Agency will be reimbursed for the \$40,000 contract from TMG Partners under the terms of the Exclusive Negotiating Rights Agreement (Former PG&E Pipe Storage Yard within the Intermodal Station District Development Project), which was authorized by the Agency Board on November 9, 2004.

Resolution of the Community Redevelopment Agency of the City of Union City
AUTHORIZING CONSULTING CONTRACT WITH KEYSER
MARSTON ASSOCIATES CALENDAR YEAR 2005

Required Action: Motion

This authorizes a \$40,000 contract between the Redevelopment Agency and Keyser Marston Associates to provide Project Management Assistance in the formation of a Disposition and Development Agreement with TMG Partners to privately develop a portion of the Intermodal Station District owned by the Redevelopment Agency. The Agency will be reimbursed for the \$40,000 contract from TMG Partners under the terms of the Exclusive Negotiating Rights Agreement (Former PG&E Pipe Storage Yard within the Intermodal Station District Development Project), which was authorized by the Agency Board on November 9, 2004.

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

- F. **Resolution of the City Council of the City of Union City AUTHORIZING CITY MANAGER TO EXECUTE AND DELIVER THE REVISED CORE NATURAL GAS SALES AND AGGREGATION AGREEMENT WITH ABAG POWER**

Required Action: Motion

The City of Union City is a participating member of the ABAG Power Natural Gas Aggregation Program. The current Agreement between the City and ABAG POWER is due for renewal in June 2005. The new contractual arrangement will give ABAG POWER a continuous three year ahead planning window and allow ABAG staff to take advantage of longer-term beneficial pricing opportunities. Staff expects this will result in continued lower natural gas costs for the municipal users for years to come.

- G. FINAL ORD. 641-04: **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.

- H. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING HAZARDOUS MATERIALS**

Required Action: Motion

This ordinance will removing Risk Management and Prevention and inserting Federal Risk Management Program (RMP) and California's Accidental Release Prevention (CAL ARP) to the City Hazardous Materials Ordinance.

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

- I. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING SWEARING IN OF NEW COUNCILMEMBERS**

Required Action: Motion

This ordinance is in response to Council direction at the Council meeting of December 14, 2004 to change the swearing in date for newly elected (or reelected) Councilmembers, and the selection of the Vice Mayor.

- J. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 7.16, "PROPERTY MAINTENANCE", OF THE UNION CITY MUNICIPAL CODE**

Required Action: Motion

The proposed amendment to the ordinance will place into effect general property maintenance provisions that will provide the City with the flexibility and option to address, through the code enforcement process, any property maintenance issues that give rise to conditions that threaten the peace, health and safety of the public. This ordinance will also expand the application of the City's property maintenance provisions to conditions on non-residential properties that are not visible from a public street, but which still threaten the peace, health and safety of the public.

- K. **Claims Nos. 590 and 609**

Required Action: Motion

Staff is recommending rejection of Claim No. 590 filed by Cynthia Dorsey for alleged injuries as a result of a fall.

Staff is recommending rejection of Claim No. 609 filed by Bruce King for alleged improper towing charges.

XIII. **ORAL COMMUNICATIONS**

XIV. **CORRESPONDENCE - NONE**

XV. APPROVAL OF BILLS - MONTH OF DECEMBER

- A. Approval of disbursements issued for month of December
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