

The City Council will convene the special 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  
CITY OF UNION CITY  
SPECIAL CITY COUNCIL MEETING  
TUESDAY, MARCH 22, 2005, 6:00 P.M.**

**COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

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

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Case

**B. CONFERENCE WITH LEGAL COUNSEL–EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(a):

City of Union City vs. Equity Capital, Inc. – Alameda County Superior Court Case No. HG04179622

Prentice, et al. vs. City of Union City – US District Court Northern California Case No. C 03-0392

ANG Newspapers, Inc., dba The Argus vs. City of Union City – Alameda County Superior Court Case No. HG04190105

**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. The complete agenda packet can be found through the City's website at [www.ci.union-city.ca.us/sire](http://www.ci.union-city.ca.us/sire). Please use "public" for login and password.

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.

**AGENDA  
CITY OF UNION CITY  
CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING  
TUESDAY, MARCH 22, 2005, 7:00 P.M.**

**COUNCIL CHAMBER  
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** of regular City Council meeting held March 8, 2005.  
*Required Action: Motion*

## V. PROCLAMATIONS/PRESENTATIONS

- A. A Resolution recognizing Josephine Pando for her service on the Senior Citizens Commission  
*Required Action: Motion*
- B. A Resolution recognizing Belinda Maloney for her service on the Arts Council  
*Required Action: Motion*
- C. A Resolution proclaiming April 25 through May 1, 2005, West Nile Virus and Mosquito and Vector Control Awareness Week in Union City  
*Required Action: Motion*
- D. A Resolution proclaiming March 20 through March 26, 2005 Knights of Columbus Week in Union City  
*Required Action: Motion*
- E. A Resolution proclaiming April 2005 as Sexual Assault Awareness Month in Union City  
*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 Chamber or from the City 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. Joint Hearing of the City Council and Agency Board to consider the sale and leaseback of the "Teen Workshop" property located at 33623 Mission Blvd. between the City and the Redevelopment Agency  
*Required Action: Motion*

(1) A Resolution of the Community Redevelopment Agency of the City of Union City approving execution of a Property Conveyance Agreement, Lease Agreement and Resulting Acquisition of the "Teen Workshop" property from the City of Union City and leasing of the property back to the City until the property is put to redevelopment use;

(2) A Resolution of the City Council of the City of Union City approving execution of a Property Conveyance Agreement, Lease Agreement and Resulting Conveyance of the "Teen Workshop" property to the Community Redevelopment Agency of the City of Union City and Leasing of the property back from the Agency until the property is put to redevelopment use.

B. SUMMERHILL HOMES, 4717 LOWRY RD., General Plan Amendment AG-04-04, Zoning Map Amendment A-07-04, Tentative Tract Map 7601, Site Development Review SD-14-04, and Use Permit UP-11-04  
*Required Action: Motion*

Initiated by Adam Tennant of Summerhill Homes, the applicant is requesting a General Plan Amendment to redesignate eight (8) acres (floating) of the 40.3 +/- acre undeveloped Accinelli property, located at 4717 Lowry Road (APN:543-0201-004-02), from PI (Private Institutional) to four (4) acres of OS (Open Space) and four (4) acres to R 3-6 (Residential). The applicant is also requesting a Zoning Map Amendment to rezone four (4) acres to OS (Open Space), and four (4) acres to RS 6000 (Single family residential), to be consistent with the proposed General Plan Amendment. The applicant is also requesting approval of a Tentative Tract Map for the subdivision of the proposed site, into 178 single family home lots (with a mix of 5,000 and 6,000 square foot parcels) and 16 Below Market Rate duplex lots (consisting of 28 duplex Units). The project includes Site Development Review for the architectural design and site layout of five (5) separate home models for the 5,000 square foot lots; and three (3) separate models for the 6,000 square foot lots. A duplex model is also proposed to meet the affordable housing requirements. The project includes a Use Permit to establish a Planned Unit Development (PUD) on the property which would allow the applicant to average the yard setbacks of the homes and to provide lots smaller than the minimum required size per the RS 6000 District, but which are within the density prescribed by the General Plan of 3-6 dwelling units per acre. A Mitigated Negative Declaration has been prepared on the project and it has been determined that the project will not have a significant, adverse effect or impact on the environment with mitigation measures.

## **VIII. REPORTS FROM CITY MANAGER**

- A. A Resolution revising Council Policy on 'Authorization to Execute City Contracts and Agreements'

*Required Action: Motion*

- B. Report and recommendations on the Union City Gymnasium Project:

*Required Action: Motion*

(1) A Resolution authorizing a contract amendment in the amount not to exceed \$364,000 with Field Paoli Architects, Mark Schatz, Principal to provide Design Services for Phase II Design, Bid Package Preparation and Construction Management Services for the Gymnasium;

(2) A Resolution authorizing the application for grant funds for the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002;

(3) A Resolution authorizing the application for Grant Funds for the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

## **IX. REDEVELOPMENT AGENCY – NONE**

## **X. AUTHORITIES/AGENCIES – NONE**

## **XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES**

- A. Informational report regarding Public Art installations at the Washington Township Hospital Medical Clinic, at Alvarado-Niles Road and Down Avenue

*Required Action: Informational only*

## 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. A Resolution in Support of Protecting the Community Development Grant Program from Proposed Budget Cuts  
*Required Action: Motion*
- B. A Resolution granting Non-Exclusive Franchise Agreements for Police Rotational Towing to Central Tow and All-Ways Tow, and authorizing the Chief of Police to execute said agreements  
*Required Action: Motion*
- C. A Resolution setting the number of private vendors on the Police Rotational Tow list at two, approving Police Rotational Towing agreements with Central Tow and All-Ways Tow, and authorizing the Chief of Police to execute said agreements  
*Required Action: Motion*
- D. A Resolution amending the Fiscal Year 2004-05 Master Fee Schedule for Fire, Economic & Community Development and City Clerk services  
*Required Action: Motion*
- E. A Resolution amending the DIPSA Maintenance Fund (3800) Operating Budget for Fiscal Year 2004-05  
*Required Action: Motion*
- F. A Resolution approving the purchase of one 2005 Dodge Durango not to exceed \$23,000 from the Department of General Services, City Project No. 05-02  
*Required Action: Motion*
- G. A Resolution approving the installation of fencing adjacent to Drigon Dog Park, and approve funding not to exceed \$12,000 from the unallocated Special Park Dedication Fees Fund  
*Required Action: Motion*
- H. A Resolution authorizing the destruction, without duplication, of police records that have reached their expiration dates  
*Required Action: Motion*

- I. A Resolution authorizing the City Manager to execute an amended Cooperative Agreement for the Dumbarton Express Bus Service for April 4, 2005 through December 31, 2009  
*Required Action: Motion*
- J. A Resolution authorizing the filing of applications with the Metropolitan Transportation Commission for allocation of Transportation Development Act Article 4 and 4.5/State Transit Assistance Funds and with the Alameda County Transportation Improvement Authority for allocation of Measure B Funds for Fiscal Year 2005-06  
*Required Action: Motion*
- K. (1) Waive second reading and adopt Ordinance No. 647-05 granting a Cable Franchise to Comcast of California/Illinois, L.P. to construct and operate a cable system to provide cable service within a franchise area within the City of Union City; establishing the terms and conditions of the franchise grant; and establishing certain remedies for the violation of the franchise
- (2) Waive second reading and adopt Ordinance No. 648-05 granting, repealing and adding Chapter 5.28 of the Union City Municipal Code, regulating the occupancy and use of public rights-of-way by cable systems and open video systems, providing for establishment of customer service standards, establishing franchise and licensing requirements for operators of such systems and prescribing minimum charges, terms and conditions for and upon the construction, maintenance and repair of such systems  
*Required Action: Motion*
- L. Waive second reading and adopt Ordinance No. 648-05 of the City Council of the City of Union City amending Title 2, Section 2.27.020 of the Municipal Code pertaining to the number of members on the Arts Council  
*Required Action: Motion*
- M. Claim Nos. 615, 616, 618, 619 and 623  
*Required Action: Motion*

The City's Claim Administrator is requesting rejection of the following Claims: No. 615 filed by Adonis Forrest regarding alleged damage to personal property; No. 616 filed by Joel Otsuka alleged damage to his vehicle; No. 618 filed by Prakash Sathyapalan regarding alleged loss from a broken window; No. 619 filed by Giovanni Scalise regarding alleged damage to his vehicle from a pothole; No. 623 filed by the City of Fremont, et al. requesting approval of an Application for Leave to Present a Claim for Indemnity.

**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*
- B. Discussion regarding Campaign Contribution Limits (Mayor Green)  
*Required Action: Motion*

**XVIII. GOOD OF THE ORDER**

**XIX. ADJOURNMENT**