

The City Council will convene the adjourned meeting at 5:00 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
FEBRUARY 25, 5:00 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

5:00 P.M. - Council Conference Room

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

II. **CLOSED SESSION:**

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Pursuant to Government Code Section 54957)

Title: City Manager

B. **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Section 54957.6)

Agency designated representatives: Tony Acosta, Interim Administrative Services Director, David Berger, City Manager, Michael Riback, City Attorney

Employee organization: International Association of Firefighters
Local 1946

C. **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Section 54957.6)

Agency designated representatives: Tony Acosta, Interim
Administrative Services Director;
David Berger, City Manager,
Michael Riback, City Attorney

Employee organization: Police Officers Association

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

Name of case: Community Redevelopment Agency of the City of Union City vs.
Weed, Alameda County Superior Court Case 02-054654

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8)

Property: 33435 Mission Blvd., 33459 Mission Blvd.

Negotiating Parties: Agency Counsel, Mark Evanoff, Redevelopment Agency
Manager, Mark Leonard, Economic and Community
Development Director, David Berger, City Manager

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 20 and retelevised the following Friday at 6 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 2349-03

Ordinance 606-03

Redevelopment Reso. 273-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, FEBRUARY 25, 2003, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. PLEDGE OF ALLEGIANCE

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

III. UNFINISHED BUSINESS - NONE

IV. APPROVAL OF MINUTES

A. Approval of minutes of the Adjourned Regular Joint meeting with Fremont City Council of Monday, February 10, 2003

Required Action: Motion

B. Approval of minutes of the Adjourned Regular and Regular City Council meeting of Tuesday, February 11, 2003

Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

A. Resolution in honor of Fire Chief Brian Kelly

Required Action: Motion

B. Introduction of Interim Fire Chief Chris Maxwell

Required Action: Information

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 XII of the agenda if they wish.

VII. HEARINGS - NONE

VIII. REPORTS FROM CITY MANAGER

A. Report on regulation of campaign signs

Required Action: Motion

Council requested information regarding the City's ability to regulate the proliferation of political signs in the public right-of-way. This report discusses the extent to which the City may regulate political signs in the public right-of-way on private property.

B. Report summarizing outside Legal Counsel Expenses for FY 2001/2002 and 2002/2003

Required Action: Motion

This report is in response for information for a summary of legal expenses incurred by the City of Union City for outside legal counsel.

C. Resolution of Necessity APN 486-0015-022, Vacant Parcel on 5th and Whipple Road

Required Action: Motion

It is the priority of the Redevelopment Project Area Committee (RePAC) to landscape and improve the appearance of Whipple Road through landscape and pedestrian improvements. One vacant parcel was acquired in 2001; RePAC is requesting the City acquire the second parcel located at corner of Whipple Road, B Street and 5th Street and to adopt a Resolution of Necessity if needed.

IX. REDEVELOPMENT AGENCY

- A. Designation of Master Developer for Mission Boulevard for Unified Development and Consideration of Exclusive Negotiation Agreement with Jerald Simpkins/Solid Rock Church (Resolution)

Required Action: Motion

This resolution designates the Solid Rock Church as the Master Developer for APN 486-003-034-01 Lot 7 and Lot 10, APN 486-0003-032 and APN 486-0003-033, and authorizes the Executive Director to enter into an Exclusive Negotiation Agreement with Jerald Simpkins and the Solid Rock Church.

X. AUTHORITIES/AGENCIES - NONE

XI. CONSENT CALENDAR/RESOLUTIONS

- A. Resolution of the City Council of the City of Union City **AWARDING CONTRACT TO WEST-MARK FIRE APPARATUS OF CERES, CALIFORNIA FOR PURCHASE OF TWO WILDLAND TYPE III FIRE ENGINES**

Required Action: Motion

The replacement of the current wildland fire engines is necessitated by their unreliability and increasing maintenance costs. Both of the current fire engines have been out of service for extended periods of time during the past three years and parts have been hard to obtain. Staff is recommending approval of the purchase of two fire engines from West Mark Fire Apparatus Division, of Ceres, California.

- B. Resolution of the City Council of the City of Union City **AWARDING BID TO PHILLIPS/SESSON INDUSTRIES, INC., FOR THE PURCHASE OF FULLY EQUIPPED CONTROLLER CABINETS, CITY PROJECT NO. 02-32**

Required Action: Motion

Fifty percent of the City's signal system was installed 20-25 years ago, making them old and corroded and in need of replacement for efficient operation of the City's signal systems. This year's program budget allows for the purchase of three fully equipped controller cabinets.

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

- C. Resolution of the City Council of the City of Union City **ACCEPTING THE ENGINE EXHAUST SYSTEM REMOVAL SYSTEM FOR FIRE STATIONS NOS. 1, 2 AND 3, CITY PROJECT NO. 02-26**

Required Action: Motion

Council awarded the contract to Blocka Construction of Fremont for Engine Exhaust Removal System for Fire Stations 1, 2, and 3 in October 2002. Blocka Construction has now completed the project which consisted of furnishing, delivering and installation of a “Vertical Air Flow” Engine Exhaust System.

- D. Resolution of the City Council of the City of Union City **ACCEPTING SEABREEZE AREA PARK IMPROVEMENTS, CITY PROJECT NO. 99-23**

Required Action: Motion

Council awarded the contract to Cleary Brothers Landscape, Inc. for Seabreeze area park improvements in April 2002. Cleary Brothers has now completed the project which consisted of improvements and enhancements to Seabreeze Park.

- E. Resolution of the City Council of the City of Union City **AUTHORIZING SALE OF UNION CITY POLICE CANINE UNKAS (“GUS”) TO UNION CITY POLICE OFFICER KEN HOLBROOK**

Required Action: Motion

Police Canine Unkas was retired from active service in the Union City Police Department’s Canine Unit. Consistent with prior practice, the Department is recommending the sale of Unkas to his handler, Officer Ken Holbrook.

XI. CONSENT CALENDAR/RESOLUTIONS (*continued*)

- F. Resolution of the City Council of the City of Union City **AUTHORIZING CONTRACT WITH THE STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY-OFFICE OF TRAFFIC SAFETY - ENHANCED DRUNK DRIVING DETERRENCE AND PREVENTION PROJECT TO RECEIVE FUNDS THROUGH A GRANT**

Required Action: Motion

The Police Department applied for and received a grant through the State of California Business, Transportation and Housing Agency - Office of Traffic Safety. This grant will be used for enforcement of DUI related laws.

- G. Final Reading Ordinance No. 606-03: **ORDINANCE ADDING SECTION 9.48.055 TO, AND AMENDING SECTIONS 9.48.050, 9.48.060, 9.48.070 AND 9.48.090 OF THE UNION CITY MUNICIPAL CODE CONCERNING THE REGISTRATION FOR AND RENEWAL OF ALARM SYSTEM PERMITS AND INSTALLATION NOTIFICATION**

Required Action: Motion

This is the final reading of Ordinance No. 606-03 to update the current alarm ordinance to be consistent with the recently adopted 2002/2003 Master Fee Schedule as it pertains to the recovery of costs incurred by the Police Department responding to false alarms.

- H. Final Reading Ordinance No. 607-03: **ORDINANCE OF THE CITY OF UNION CITY AMENDING UNION CITY MUNICIPAL CODE CHAPTER 15.20 (FIRE CODE), BY THE AMENDMENT OF SECTION 15.20.400 RELATING TO USE OF FIREWORKS EAST OF MISSION BOULEVARD**

Required Action: Motion

This is the final reading of Ordinance No. 607-03 to repeal the amendments to the Union City Municipal Code to ban all fireworks east of Mission Boulevard.

XII. ORAL COMMUNICATIONS

XIII. CORRESPONDENCE - NONE

XIV. APPROVAL OF BILLS - NONE

XV. SCHEDULED ORAL COMMUNICATIONS - NONE

XVI. ITEMS REFERRED BY COUNCIL

A. Oral Reports by Councilmembers on Meetings of County or Regional Boards and Commissions

Required Action: Information

B. Request by Mayor Green for discussion on school safety issues

Required Action: Direction to Subcommittee

XVII. GOOD OF THE ORDER

XVIII. ADJOURNMENT