

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
MAY 13, 2003, 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 Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias, Mayor Green

II. **CLOSED SESSION:**

A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Potential Cases: Two

Item B will be addressed in closed session as a joint meeting between the Community Redevelopment Agency Board and City Council.

B. **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS**

(Pursuant to Section 54956.9)

Property: 33435 Mission Blvd., APN 486-0003-034-01 and 33459 Mission Blvd., APN 486-0003-32 and 486-0003-33

Agency Negotiator: Larry Cheeves, Interim Executive Director, Mark Leonard, Assistant Executive Director, Mark Evanoff, Redevelopment Agency Manager

Under Negotiation: Property and Acquisition Sale

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 2402-03

Ordinance 609-03

Redevelopment Reso. 277-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MAY 13, 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 and Regular City Council meeting of Tuesday, April 8, 2003

Required Action: Motion

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, April 29, 2003

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS**

A. **Award of Certificates to winners of Leisure Services Art Contest**

Required Action: Motion

B. **Resolution in honor of Miss Chinatown San Francisco**

Required Action: Motion

C. **Resolution in honor of the Dispatcher Clerks of the Year**

Required Action: Motion

D. **Resolution proclaiming May 26-31 as Emergency Medical Services Week**

Required Action: Motion

E. **Resolution proclaiming May as “Safe Jobs for Youth Month”**

Required Action: Motion

F. **Resolution proclaiming May 12-16 as National Police Week”**

Required Action: Motion

G. **Resolution proclaiming May 18-24 as Public Works Week”**

Required Action: Motion

VI. **ORAL COMMUNICATIONS**

Comments from the floor on non-agenda items will be accepted for a period of 1/2 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

- A. **ZONING TEXT AMENDMENT AT-02-03** (Introduction of Ordinance)
Required Action: Motion

Initiated by the City of Union City, a request to modify **Chapter 18.32, Residential Districts** to allow as a permitted use secondary dwelling units within single-family residential districts citywide. Design and development criteria for secondary units would be retained, and Administrative Site Development Review would continue to be required for second-story additions and detached accessory structures. This Zoning Text Amendment is proposed to bring the City's Zoning Title into compliance with AB 1866, which amended Government Code 65852.2. This project is statutorily exempt from the California Environmental Quality Act (CEQA) per section 15282(i).

VIII. REPORTS FROM CITY MANAGER

- A. Request to appoint hearing examiners to conduct Abatement Appeal of the Chief Building Official
Required Action: Motion

The Building Division has identified dangerous, substandard and unsafe conditions at the vacant bowling alley located at 14 Union Square. A Notice and Order to Litke Properties, as owner, requiring repair or demolition of the building is being appealed. Staff is requesting appointment of hearing officers to hear and decide this appeal.

IX. REDEVELOPMENT AGENCY

The following item will be a Joint Meeting between the Community Redevelopment Agency Board and the City Council

A. HEARING RE: CONSIDERATION OF PURCHASE AND SALE AGREEMENT, OPTION TO PURCHASE AND DISPOSITION AND DEVELOPMENT AGREEMENT (Resolutions)

Required Action: Motion

Property to be purchased by the Agency is located at 33435 Mission Blvd., APN 486-0003-034-01, Lots 6, 7, 10 and 11. Property to be Optioned to the Solid Rock Church of God in Christ includes a portion of 33435 Mission Blvd., APN 486-0003-034-01, Lot 10 and Lot 7; 33459 Mission Blvd. APN 486-0003-32, Lot 9; and 33459 Mission Blvd., APN 486-0003-33, Lot 8.; and consideration of a Disposition and Development Agreement for the development of a Private Institutional use on an approximately 17,500 square foot parcel located at 33459 Mission Blvd., APN 486-0003-32, Lot 9; 33459 Mission Blvd. APN 486-0003-33, Lot 8; and a portion of 33435 Mission Blvd., APN 486-0003-034, Lot 7 and Lot 10.

X. AUTHORITIES/AGENCIES - NONE

XI. CONSENT CALENDAR/RESOLUTIONS

A. Resolution of the City Council of the City of Union City AWARDING CONTRACT FOR 7TH STREET & LOWRY ROAD REHABILITATION PROJECT, CITY PROJECT NO. 01-29

Required Action: Motion

Award of contract for pavement rehabilitation of 7th Street from Decoto Road to Mission Blvd. and Lowry Road from Union City Blvd. to City Limits at overhead railroad bridge.

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

- B. **Resolution of the City Council of the City of Union City AWARDING CONSTRUCTION CONTRACT FOR UNION CITY BOULEVARD PARK AND RIDE LOT, CITY PROJECT NO. 00-01**

Required Action: Motion

This resolution awards contract for Union City Boulevard Park and Ride Lot to Top Grade Construction, Inc., of Livermore. This lot will be a 25 car parking facility and will provide public parking for AC Transit Express riders to San Francisco and provide overflow parking for weekend events in the Old Alvarado area and the proposed gymnasium.

- C. **Resolution of the City Council of the City of Union City AUTHORIZING AMENDMENT TO 2003/2004 VEHICLE CAPITAL PROJECTS**

Required Action: Motion

This resolution authorizes amendment of the 2003/04 Police Department Vehicle Replacement Capital Project to replace three police motorcycles and authorizes a three-year replacement cycle for the motorcycles.

- D. **Resolution of the City Council of the City of Union City AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE USED OIL RECYCLING FUND UNDER THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND PARTICIPATION IN A COOPERATIVE PROJECT**

Required Action: Motion

This resolution authorizes the submittal of the 9th Cycle Used Oil Recycling Block Grant for used motor oil and oil filter collection and recycling services and public education activities.

- E. **Resolution of the City Council of the City of Union City APPROVING FINAL MAP OF PARCEL MAP NO. 7999 IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

Required Action: Motion

This resolution approves Final Parcel Map 7999 which subdivides 2.5 acres into two parcels. The site is located at 33801 through 33909 Alvarado Niles Road on the west side south of Oregon Street. The proposed development is an affordable senior housing project known as Phase III of the Senior Village Development.

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

- F. **Resolution of the City Council of the City of Union City APPROVING FINAL MAP OF TRACT NO. 7394, IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

Required Action: Motion

This resolution approves Final Tract Map 7394 regarding Ponderosa Homes II, Inc., which is proposed to subdivide an approximate 8.8 acre parcel into 35 single family detached homes, 8 duplex units and a tot lot. This site is located north of Lowry Road, east of Regents Boulevard.

- G. **Resolution of the City Council of the City of Union City AWARDING CONTRACT TO JOHN CLAY GENERAL ENGINEERING CONTRACTOR, INC., HAYWARD, FOR UNION LANDING GATEWAY SIGNS, CITY PROJECT NO. 02-04**

Required Action: Motion

This resolution awards contract for the Union Landing Gateway Signs to John Clay General Engineering, Hayward. The project consists of constructing the concrete wall and footing systems with signs, graphics, earthwork, storm drainage system, up lighting, irrigation and planting at the Dyer Street and Alvarado-Niles Road intersection, on either side of the Courthouse Drive and Dyer Street intersection.

- H. **Resolution of the City Council of the City of Union City APPROVING MODIFICATION OF SITE DEVELOPMENT REVIEW SD-08-01**

Required Action: Motion

Initiated by Steven Rajninger, Locus Architecture, on behalf of the owner David Lee, the applicant is requesting a modification to SD-08-01 to alter the architectural appearance of the building from the originally approved plans. Specific architectural changes requested include lowering the parapet of the building and providing a screen wall to screen roof top mechanical equipment and removing several small skylights. The applicant is proposing to renovate and remodel an existing building for office, light industrial and restaurant uses that will create approximately 24,000 square feet of useable space. The building is located at 30593 Union City Boulevard at the northwest corner of Bettencourt Way. The property is situated on a 1.49 acre parcel in the ML, Light Industrial zoning district. Approved by Planning Commission April 17, 2003.

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

- I. **Resolution of the City Council of the City of Union City APPROVING SITE DEVELOPMENT REVIEW SD-13-02; VARIANCE V-07-02, USE PERMIT UP-02-03:**

Required Action: Motion

The proposed project consists of constructing a 6,120 square foot church on a site approximately 17,500 square feet in area. The applicant is seeking Site Development Review approval and a Variance to allow 25 parking stalls on site, where up to 56 parking stalls are required. The applicant is also seeking a Use Permit for the church use as is required by the Private Institutional zoning district where the proposed project is located. The project site is located at 33459 and 33435 Mission Boulevard at the corner of E-Street in Decoto (Assessor Parcel Numbers 486-3-32, 33 and a portion of 486-3-34-1). The subject site is currently zoned PI, Private Institutional and has a General Plan Land Use designation of PI, Private Institutional. A Negative Declaration has been prepared.

- J. **Resolution of the City Council of the City of Union City AUTHORIZING CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT NO. 1 WITH EARTH TECH, INC. FOR PHASE 2 (PRELIMINARY ENGINEERING/ENVIRONMENTAL DOCUMENTATION) CITY PROJECT 2001-35, CAPITOL CORRIDOR RAIL STATION PROJECT (INTERMODAL STATION DISTRICT AND TRANSIT FACILITY PLAN**

Required Action: Motion

Resolution authorizing City Manager to execute Contract Amendment No. 1 with Earth Tech, Inc. for Capitol Corridor Rail Station Study for Phase 2 Environmental Documentation.

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

J. (Continued)

Resolution of the Redevelopment Agency of the City of Union City
AUTHORIZING CITY MANAGER TO EXECUTE A CONTRACT
AMENDMENT NO. 1 WITH EARTH TECH, INC. FOR PHASE 2
(PRELIMINARY ENGINEERING/ENVIRONMENTAL
DOCUMENTATION) CITY PROJECT 2001-35, CAPITOL
CORRIDOR RAIL STATION PROJECT (INTERMODAL STATION
DISTRICT AND TRANSIT FACILITY PLAN

Required Action: Motion

Resolution authorizing City Manager to execute Contract Amendment No. 1 with Earth Tech, Inc. for Capitol Corridor Rail Station Study for Phase 2 Environmental Documentation.

K. Summary of outside Legal Counsel Expenses for Third Quarter FY 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.

L. Introduction of Ordinance: ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 9.86 OF THE UNION CITY MUNICIPAL CODE RELATING TO REQUIREMENTS FOR TRIGGER LOCKS FOR FIREARMS AT POINT OF SALES

Required Action: Motion

Passage and implementation of the Aroner-Scott Hayden Firearms Safety Act of 1999 preempts Municipal Code chapter 9.86 resulting in the City's Ordinance being unenforceable. Staff is recommending Council repeal Chapter 9.86 of the Union City Municipal Code.

M. Rejection of Claim No. 544

Required Action: Motion

Claim No. 544 was filed by Shirley Harris for alleged damages to her vehicle.

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

XVII. GOOD OF THE ORDER

XVIII. ADJOURNMENT