

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 6:00 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 2420-03

Ordinance 611-03

Redevelopment Reso. 279-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, MAY 27, 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, May 13, 2003

Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

A. **Award of Certificates to Community Workshop graduates**

Required Action: Present

B. **Resolution in honor of Wayne Chapman, Police Officer of the Year**

Required Action: Motion

C. **Resolution in honor of Gerald Martinez, Non-sworn Employee of the Year**

Required Action: Motion

D. **Resolution proclaiming May as Older Americans Month**

Required Action: Motion

E. **Resolution proclaiming week of May 31 through June 8 as Affordable Housing Week**

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 XII of the agenda if they wish.

VII. HEARINGS - NONE

VIII. REPORTS FROM CITY MANAGER

A. **Third Quarter Budget Report (7/01/02 to 3/31/0-3) and Resolution amending the Adopted General Fund Operating Budget for Fiscal Year 2002/03**

Required Action: Motion

This report provides updated information on the City's General Fund budget through the first three quarters of the FY 2002/03, including year end fund projections, sales tax information for the fourth quarter of 2002 and an update on the evolving state budget crisis.

B. Initiation of Formal Renewal Process of the Cable Franchise Agreement

Required Action: Motion

This report provides a brief update on the status of informal Cable TV negotiations between the City and Comcast Corporation, a review of the formal Cable TV franchise renewal process and a recommendation to pursue parallel formal and informal franchise renewal processes.

C. Introduction of Ordinance deleting Section 5.24.100, amending Sections 5.08.020 and 5.16.030 and adding Sections 5.24.100 and 5.24.110 to the Union City Municipal Code concerning Issuance of Business Licenses

Required Action: Motion

This proposed ordinance addressed the “unlawful conduct issue” in a manner consistent with that used by a number of Bay Area cities, providing for specific criteria which must be met in order to deny, suspend or revoke a business’ business license.

X. REDEVELOPMENT AGENCY - NONE

X. AUTHORITIES/AGENCIES -NONE

XI. CONSENT CALENDAR/RESOLUTIONS

A. Resolution of the City Council of the City of Union City APPROVING CALIFORNIA CLEAN FLEETS RESOLUTION FROM THE AMERICAN LUNG ASSOCIATION

Required Action: Motion

This resolution provides that Union City shall identify and give preference in its vehicle procurement to the acquisition of the lowest emission vehicles available, practical and reasonably cost competitive with comparable vehicles for a given application or where funding is available to assure that such vehicles are reasonably cost competitive. Public Safety and emergency vehicles shall be exempt from this policy.

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

- B. **Resolution of the City Council of the City of Union City AUTHORIZING ACCESS AND EXAMINATION OF SALES AND USE TAX RECORDS PURSUANT TO REVENUE AND TAXATION CODE SECTION 7056**

Required Action: Motion

This resolution authorizes certain City staff positions and the consulting firm of MBIA MuniServices Company (MBISA) to have access to confidential sales and use tax records maintained by the State Board of Equalization.

- C. **Resolution of the City Council of the City of Union City APPROVING SITE DEVELOPMENT REVIEW SD-01-03 FOR KB HOME ON JOHNSON INDUSTRIAL PROPERTY**

Required Action: Motion

Joe Sordi, on behalf of KB Home South Bay, Inc., has submitted an application for Site Development Review for the design and layout of 52 one- and two-story, single-family residences on an approximately 8.1 acre site located at 33155 Railroad Avenue (APN 486-0036-039-02 and 486-0036-040). The project site is located on Railroad Avenue between D Street and the Dry Creek Channel and is commonly referred to as the Johnson Industrial Park. A Negative Declaration was prepared for the Tract Map.

- D. **Resolution of the City Council of the City of Union City AUTHORIZING INTERIM CITY MANAGER TO ENTER INTO AGREEMENT WITH UNION CITY AMERICAN LITTLE LEAGUE FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF A SCOREBOARD LOCATED IN SEABREEZE PARK**

Required Action: Motion

The Park and Recreation Commission is recommending the City Council authorize the Interim City Manager to enter into an agreement with Union City American Little League for the installation and maintenance of a scoreboard at Seabreeze Park.

XI. CONSENT CALENDAR/RESOLUTIONS (continued)

- E. Final Reading: **ORDINANCE 609-03: ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE TO ALLOW SECONDARY DWELLING UNITS IN ALL SINGLE-FAMILY RESIDENTIAL DISTRICT, ZONING TEXT AMENDMENT AT-02-03**

Required Action: Motion

This is the second reading of Ordinance 609-03 initiated by the City of Union City, and is 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).

- F. **Final Reading Ordinance 610-03: 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.

- G. **Rejection of Claim No. 543**

Required Action: Motion

Claim No. 543 was filed by Cencal Insurance Services on behalf of Vincent Bumann for alleged damages to his vehicle.

XII. ORAL COMMUNICATIONS

XIII. CORRESPONDENCE -NONE

XIV. APPROVAL OF BILLS - MONTH OF APRIL

- A. Approval of warrants for payment for April 2003
Required Action: Motion

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

ADJOURN TO CLOSED SESSION:

CLOSED SESSION:

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

Agency representatives: Larry Cheeves, Interim City Manager; Tony Acosta, Deputy City Manager

Employee organization: SEIU Local 790, Professional, Management

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Pursuant to Section 54957)

Title: City Attorney

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Potential Cases: One

Item D will be addressed in joint closed session of the Community Redevelopment Agency and the City Council.

D. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

(Pursuant to Section 54956.9)

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

Agency Negotiator: Larry Cheeves, Interim Executive Director; Mark Leonard, Assistant Executive Director; Marilou Ayupan, Chief Civic Engineer; Joan Malloy, Planning Manager; Mark Evanoff, Redevelopment Agency Manager

Under Negotiation: Property and Acquisition Sale

XVIII. ADJOURNMENT