

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
SEPTEMBER 23, 2003, 6:00P.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

- 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 6:00 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 2497-03

Ordinance 613-03

Redevelopment Reso. 284-03

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, SEPTEMBER 23, 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 Regular City Council meeting of Tuesday, September 9, 2003

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS - NONE**

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**

A. HEARING RE: **DISBURSEMENT OF FEDERAL GRANT FUNDS FROM THE FEDERAL DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM** (Resolution)

Required Action: Motion

The City has received federal grant funds from the Federal Department of Justice, Bureau of Justice Assistance for the last six years. The funds have been disbursed under the Local Law Enforcement Block Grant (LLEGB) program and are intended to assist local jurisdictions in reducing crime and improving public safety.

B. HEARING RE: **DISBURSEMENT OF STATE GRANT FUNDS FROM THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES** (Resolution)

Required Action: Motion

The City has received State grant funds from the State of California Supplement Law Enforcement Services for funds restricted to the use for Front Line Municipal Police Services. Prior to utilizing the funds, the grant requires the local governing unit to hold a public hearing to solicit public comments and to determine how the funds will be expended.

VIII. REPORTS FROM CITY MANAGER

A. Report and Recommendations on establishing a Citizen Budget Advisory Committee on Budget

Required Action: Motion

This report is written in response to a City Council request for a discussion on establishing a Citizen Budget Advisory Committee to advise the City Council on budget-related issues, including recommendations on potential ways to balance the City's projected General Fund budget deficit.

B. Status Report on the Farmer's Market and Concert Series programs held at Cesar Chavez (Old Alvarado) Park

Required Action: Accept Report

This report provides a brief summary of the 2003 Farmers Market and Summer Concert Series programs held on summer Saturdays in Cesar Chavez (Old Alvarado) Park. Included in the discussion of the summer concert series is the issue of noise complaints.

IX. REDEVELOPMENT AGENCY

Item A will be addressed in a joint meeting of the Community Redevelopment Agency and the City Council.

A. Resolution of the Community Redevelopment Agency of the City of Union City Authorizing a Supplemental Appropriation of Redevelopment Agency Funds in the Amount of \$50,000 for the New Union City Public Library Project

Required Action: Motion

This resolution authorizes a supplemental appropriation in the amount of \$50,000 for the new Union City Public Library project. The additional funding is required for technical work required to complete a grant application for submission to the State Librarian under the 200 State Library Bond Act.

X. AUTHORITIES/AGENCIES - NONE

XI. **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, 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 **APPROVING AN ENVIRONMENTAL INDEMNITY AGREEMENT WITH THE MCKESSON CORPORATION**

Required Action: Motion

The City Council previously approved a Site Development Review application and Vesting Tentative Tract Map on April 8, 2003, to subdivide and develop the McKesson property for small lot sing-family homes. As part of the development the City will receive title to certain areas for streets and parks. Per the conditions of approval, McKesson must indemnify the city from any claims that arise from the environmental condition of soil and groundwater located under or about the property.

B. Resolution of the City Council of the City of Union City **ACCEPTING COMPLETION OF UNION CITY SKATE PARK, CITY PROJECT NO. 01-07**

Required Action: Motion

A. J. Vasconi General Engineering has completed the contract for the Union City Skate Park in accordance with the plans and specifications for this project. The project consisted of the construction of a 19,800 square foot skate park that included demolition, grading, drainage, forming, concrete walls, concrete skate paving, asphalt paving and steel work.

C. Resolution of the City Council of the City of Union City **CANCELLING THE REGULARLY SCHEDULED MEETING OF TUESDAY, NOVEMBER 11, 2003 AND SCHEDULING MEETING FOR NOVEMBER 10, 2003**

Required Action: Motion

Pursuant to Section 2.04.010 of the Union City Municipal Code, there shall be no Council meeting held on Tuesday, November 11, 2003, a legal holiday. This resolution cancels the November 11th meeting and reschedules a meeting for Monday, November 10, 2003.

D. Resolution of the City Council of the City of Union City **MODIFYING THE MEMORANDUM OF UNDERSTANDING WITH THE UNION CITY POLICE OFFICER'S ASSOCIATION REGARDING COMPENSATORY TIME OFF ACCRUAL**

Required Action: Motion

The current Memorandum of Understanding (MOU) between the Union City Police Officer's Association and the City was found to be deficient in addressing the issue of accrued compensatory time under terms of the Federal Fair Labor Standards Act. The revised language will remedy the deficiency and is in compliance with Federal law and court decisions.

E. Resolution of the City Council of the City of Union City **EXTENDING THE AGREEMENT WITH WASTE MANAGEMENT OF ALAMEDA COUNTY FOR THE COLLECTION OF SOLID WASTE AND YARD WASTE THROUGH DECEMBER 31, 2004**

Required Action: Motion

This resolution authorizes extension of the existing Agreement with Waste Management of Alameda County for the collection of solid waste and yard waste through December 31, 2004. This is the third and final extension authorized by the Agreement.

F. Resolution of the City Council of the City of Union City **MODIFYING THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) AND THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDING (SLESF) GRANT**

Required Action: Motion

This resolution authorizes modifications of the appropriations previously made by the City Council for the Federal 2002 Local Law Enforcement Block Grant (LLEBG) and the State 2002 Supplemental Law Enforcement Services Funding (SLESF) Grant. These modifications are a result of the budget hearings held by Council in July 2003 and also to remain in compliance with regulations pertaining to each of the listed grants.

G. Resolution of the City Council of the City of Union City ACCEPTING THE STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY-OFFICE OF TRAFFIC SAFETY - CALIFORNIA SEATBELT COMPLIANCE CAMPAIGN GRANT

Required Action: Motion

Staff is requesting acceptance of a State of California Business, Transportation and Housing Agency, Office of Traffic Safety Grant in the amount of \$14,735.00. The grant will be used for pre-operation seat belt compliance survey conducted by officers on overtime; 14-day seat belt violation enforcement operation conducted by officers on overtime, and post-operation seat belt compliance survey conducted by officers on overtime. All costs for the project will be covered by the grant.

H. Resolution of the City Council of the City of Union City ADOPTING THE PROVISIONS OF ASSEMBLY BILL AB 1886 FOR THE CITY OF UNION CITY

Required Action: Motion

Introduction of Ordinance: Ordinance of the City of Union City AMENDING TITLE 10, CHAPTER 10.28 OF THE UNION CITY MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC, BY ADOPTION OF THE PROVISIONS OF ASSEMBLY BILL 1886 AND IN PARTICULAR, CALIFORNIA VEHICLE CODE SECTION 42011

Required Action: Motion

AB 1886 provides for increased penalties, including the doubling of fine amounts, for certain defined traffic violations that occur in specially posted school zones. Staff is recommending adoption of the resolution applying provisions of AB 1886 and introducing the ordinance which approves the increased fines and penalties for traffic violations committed in proximity to occupied school grounds.

XII. ORAL COMMUNICATIONS

XIII. CORRESPONDENCE -NONE

XIV. APPROVAL OF BILLS - MONTH OF AUGUST

A. Approval of warrants for payment for August 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 Only

XVII. GOOD OF THE ORDER

XVIII. ADJOURNMENT