

The City Council will convene the adjourned meeting at 6:30 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.

The complete agenda packet, including staff reports, for this Council meeting can be found at [www.ci.union-city.ca.us/weblink](http://www.ci.union-city.ca.us/weblink).

**AGENDA FOR THE ADJOURNED  
REGULAR CITY COUNCIL MEETING  
CITY OF UNION CITY  
OCTOBER 14, 2003, 6:30P.M.  
COUNCIL CONFERENCE ROOM  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

**6:30 P.M. - Council Conference Room**

- I. **ROLL CALL:** Councilmembers Dutra-Vernaci, Fernandez, Valle, Vice Mayor Elias, Mayor Green
- II. **CLOSED SESSION:**
  - A. **PUBLIC EMPLOYEE APPOINTMENT**  
(Pursuant to Section 54957 of the California Government Code)  
  
Title: Fire Chief
- 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](http://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.

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Resolution 2507-03  
Ordinance 614-03  
Redevelopment Reso. 285-03

**AGENDA FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, OCTOBER 14, 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 23, 2003

*Required Action: Motion*

B. Approval of minutes of the Adjourned Regular City Council meeting of Tuesday, September 30, 2003

*Required Action: Motion*

V. **PROCLAMATIONS/PRESENTATIONS**

A. Introduction of appointed Fire Chief Chris Maxwell

*Required Action: Accept*

B. Proclamation proclaiming October as Fire Prevention Month

*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**

A. HEARING RE: VARIANCE V-03-03, DIAMOND MINE MINI STORAGE (Resolutions)

Initiated by Mr. Dan Montanelli, as applicant, a request for a Variance approval, V-03-03, to erect an off-site sign for Diamond Mine Mini Storage on a vacant lot at the corner of Union City Boulevard and Maiden Lane.

VIII. **REPORTS FROM CITY MANAGER - NONE**

IX. **REDEVELOPMENT AGENCY**

A. EXCLUSIVE NEGOTIATION AGREEMENT WITH LENNAR COMMUNITIES (Resolution)

The Redevelopment Agency Board authorized entering into an ENA with Lennar Partners to develop the PG&E Intermodal site. Lennar Partners did not execute the agreement within the required timeframe. Lennar has signed the amended ENA, staff is requesting the Agency Board to authorize the Interim Executive Director to execute the Exclusive Negotiation Agreement.

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 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BERRYMAN AND HENIGAR FOR CONSULTING SERVICES REQUIRED TO COMPLETE A MUNICIPAL INFRASTRUCTURE ASSESSMENT FOR GASB STATEMENT 34 REPORTING IN AN AMOUNT NOT TO EXCEED \$30,000**

*Required Action: Motion*

One of the requirements of GASB 34 is for all public agencies to assess and report on their physical assets in their annual financial statements. This has not been done by most public agencies including Union City and is forcing public agencies to actually inventory, assess the condition of, and set a monetary value for all of the physical assets owned by the agency. This resolution authorizes the agreement for Berryman and Henigar to complete the assessment.

- B. **Resolution of the City Council of the City of Union City AUTHORIZING AMENDMENT TO THE CalPERS REGARDING MODIFICATION OF EMPLOYER PICKUP PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES**

*Required Action: Motion*

The CalPERS contract was not amended to include purchasing service credits on an after-tax basis when the Fire Department returned to Union City. This resolution amends the contract with CalPERS to allow Fire Department employees to purchase service credits which allows them to restore their retirement income to its maximum possible amount.

C. Resolution of the City Council of the City of Union City **APPROVING THE PURCHASE OF ONE PRE-OWNED VAN FOR THE FIRE DEPARTMENT, CITY PROJECT NO. 03-17**

*Required Action: Motion*

The Fire Department was authorized to replace one 1986 Chevy Celebrity sedan in the 2003/2004 budget. This vehicle is no longer cost effective to repair. Replacing this van with a pre-owned van instead of a new vehicle would save the City over \$5,000 and have immediate delivery.

D. Resolution of the City Council of the City of Union City **APPROVING SPECIFICATIONS FOR THE PURCHASE OF ONE ANIMAL CONTROL VEHICLE AND AUTHORIZATION TO GO TO BID, CITY PROJECT NO. 03-19**

*Required Action: Motion*

The 2003/2004 budget includes authorization for the purchase of one animal control vehicle for the Police Department. The vehicle was recommended for replacement based on the unit life and maintenance history.

E. Resolution of the City Council of the City of Union City **APPROVING SPECIFICATIONS FOR THE PURCHASE OF FOUR PATROL CARS, CITY PROJECT NO. 03-18**

*Required Action: Motion*

The 2003/2004 budget includes authorization for the purchase of four patrol cars for the Police Department. These vehicles will replace high mileage older patrol cars.

F. Resolution of the City Council of the City of Union City **ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 7172**

*Required Action: Motion*

Blacksmith Homes LLC has completed the required public improvements for this project. Tract 7172 subdivided an approximate 5.6 acre parcel into 39 single family dwelling lots. The site is approximately three quarters of a mile south of the intersection of Daggett Avenue and Seventh Street, on the east side. Full street improvements, consisting of paved roads, curb, gutter, sidewalk, underground utilities and street lights, have been provided.

G. Resolution of the City Council of the City of Union City ACCEPTING IMPROVEMENTS FOR 7<sup>TH</sup> STREET AND LOWRY ROAD REHABILITATION PROJECT, CITY PROJECT NO. 01-29

*Required Action: Motion*

Bay Cities Paving & Grading, Inc. has completed the improvements for 7<sup>th</sup> Street and Lowry Road Rehabilitation project. The project consisted of base repair of failed pavement areas, asphalt concrete pavement milling, installation of pavement reinforcing fabric, asphalt concrete overly, replacement of impacted traffic signal detector loops, replacement of pavement striping, removal of two sets of inactive spur railroad tracks along 7<sup>th</sup> Street and installing sidewalk, curb and gutter.

H. Resolution of the City Council of the City of Union City AMENDING THE MASTER FEE SCHEDULE FOR SKATE PARK ANNUAL PERMIT FEES AND REVISE SERVICE FEES FOR PHOTOCOPIES DOCUMENTS

*Required Action: Motion*

In order to build patronage at the new skate park, an extension of discount fees for annual passes and daily use is being recommended. This resolution allows an amendment of the Master Fee Schedule to allow for the extension of discount fees and to revise service fees for photocopied documents.

I. Introduction of Ordinance: ORDINANCE AMENDING TITLE 12, CHAPTER 28, SECTION 12.28.340, SKATE PARK DESIGNATION AND RULES, OF THE UNION CITY MUNICIPAL CODE

*Required Action: Motion*

The ordinance will amend Chapter 28, Section 12.28.340 of the Union City Municipal Code to include penalties for violations of the ordinance. The modified ordinance would include actual fine amounts for first, second and subsequent violations occurring within one year. In addition, the word “willful” in regard to the commission of a violation has been removed for clarification purposes, as the intent of the violator is not a factor in establishing a violation.

- J. Final Reading Ordinance No. : 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.

- K. Rejection of Claims No. 549 and 561

*Required Action: Motion*

The City's Claim Administrator is requesting rejection of Claim No. 549 filed by attorney for Anne Marks regarding an alleged injury on a Union City Transit Bus.

The City's Claim Administrator is requesting rejection of claim No. 561, filed by Ernest Anaya regarding an alleged pedestrian/vehicle accident.

**XII. ORAL COMMUNICATIONS**

**XIII. CORRESPONDENCE -NONE**

**XIV. APPROVAL OF BILLS - MONTH OF SEPTEMBER**

- A. Approval of warrants for payment for September 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*
  
- B. Request by Mayor Green for discussion on redevelopment of Contempo area

**XVII. GOOD OF THE ORDER**

**ADJOURN TO CLOSED SESSION:**

**CLOSED SESSION:**

- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
(Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9)

Potential Cases: Two

**XVIII. ADJOURNMENT**