

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  
JULY 13, 2004, 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, Elias, Valle, Vice Mayor Fernandez, Mayor Green

II. **CLOSED SESSION:**

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

Title: City Manager

B. **CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Section 54957.6 of the California Government Code)

Agency designated representatives: City Manager Larry Cheeves; Deputy City Manager Tony Acosta; Administrative Services Director Rich Digre

Employee Organization: Local 790, Management

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.

Resolution 2676-04

Ordinance 627-04

Redevelopment Reso. 299-04

**AGENDA FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, JULY 13, 2004, 7:00 P.M.  
COUNCIL CHAMBERS  
34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL:** Councilmembers Dutra-Vernaci, Elias, Valle, Vice Mayor Fernandez, 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, June 8, 2004

*Required Action: Motion*

B. Approval of Minutes of the adjourned regular and regular City Council meeting of Tuesday, June 22, 2004

*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 XIII of the agenda if they wish.*

VII. **HEARINGS**

A. **HEARING RE: GENERAL PLAN AMENDMENT, AG-02-04, ZONING MAP AMENDMENTS, A-04-04 AND A-05-04, AMENDMENT TO THE LAND USE DIAGRAM OF THE 2002 GENERAL PLAN (DRY CREEK COTTAGE AND CITYWIDE LAND USE RECLASSIFICATIONS) AND TO THE ZONING MAP OF THE CITY OF UNION CITY** (Resolution and Introduction of Ordinances)

*Required Action: Motion*

Initiated by the City of Union City and the East Bay Regional Park District, amendments to the Land Use Diagram of the 2002 General Plan to reflect current policies and address minor inconsistencies and Zoning Map Amendment to bring the Zoning Map into compliance with the Land Use Diagram of the 2002 General Plan. The City has determined that the above amendments are exempt from further environmental review, based upon the certified EIR for the 2002 General Plan. The District is requesting approval to change the General Plan and Zoning Map designation for the property that includes the Meyer's cottage and gardens (APN 087-0040-015-01) from an Agricultural (A) zoning designation to an Open Space (OS) designation. The East Bay Regional Park District, as lead agency for the Meyer's Cottage has prepared a Mitigated Negative Declaration on the project and has determined there will be no significant effect on the environment with the incorporation of mitigation measures.

VII. **HEARINGS** (continued)

B. **HEARING RE: ZONING TEXT AMENDMENT AT-04-04, CHAPTER 18.105, DEVELOPMENT IMPACT FEES** (Introduction of Ordinance)

*Required Action: Motion*

Amend Section 128.105.150, Fee Accounts of Development Impact Fees zoning text to consolidate the fee accounts and create one list of eligible projects, to remove specific account percentages, and to add two new projects to the list of projects that can be funded by the Capital Facilities Fee. The new projects are: 1) Whipple Road widening, and 2) public parking structure in the Station District.

C. **HEARING RE: RESOLUTION OF NECESSITY, PINN BROTHERS, ROUTE 84, APN 087-0020-003**

*Required Action: Motion*

This resolution is the first required step by the State Eminent Domain Law for the acquisition of a portion of the Historic Route 84 right-of-way within Union City for the construction of the Highway 84 Realignment Project. This resolution must be approved by a two-thirds vote of the Council.

D. **HEARING RE: LANDSCAPE AND LIGHTING DISTRICT NO. 2 (Pursuant to the Landscaping and Lighting District Act of 1972)** (Resolution)

*Required Action: Motion*

In accordance with the Landscape and Lighting Act of 1972 and the California Government Code, the City Council is required to conduct a public meeting and hearing regarding the levy of assessments for the upcoming fiscal year. The services to be provided through this assessment district are generally described as “street lighting and signalization, street median and backup landscape maintenance, and street tree management” within the City limits. There is no change to the current assessment.

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

IX. **REDEVELOPMENT AGENCY** - NONE

X. **AUTHORITIES/AGENCIES** - NONE

XI. **REPORTS FROM CITY COMMISSIONS/COMMITTEES - NONE**

XII. **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/Agency, 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 ADOPTING THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2004-2005**

*Required Action: Motion*

Each fiscal year a revised Master Fee Schedule is presented to Council for consideration. This resolution establishes fees pertaining to services provided by the City to the public.

B. **Resolution of the City Council of the City of Union City AMENDING THE CLASSIFICATION AND COMPENSATION PLAN, AND THE AUTHORIZED STAFF POSITIONS LIST**

*Required Action: Motion*

The City establishes the positions authorized by the Council and the salary to be paid for each of these authorized positions at the commencement of each fiscal year. This resolution authorizes the negotiated adjustments.

C. **Resolution of the City Council of the City of Union City AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE ORIGINAL AGREEMENT WITH MUNIFINANCIAL DATED APRIL 25, 2002**

*Required Action: Motion*

This resolution authorizes the City Manager to enter into a contract extension for professional services with the firm of MuniFinancial to assist the City in providing the County Assessor with information to be included for certain taxes and fees on the Property Tax bills for Fiscal Year 2004-05.

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

- D. Resolution of the City Council of the City of Union City **AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF UNION CITY AND THE COUNTY OF ALAMEDA FOR LIBRARY SERVICES**

*Required Action: Motion*

The proposed agreement is essentially the same as was executed in 2003 with the exception of a budget of \$12,458 for the purchase of additional books and other library materials. This amount is reflective of the County's staffing efficiencies which have resulted in lower staffing costs.

- E. Resolution of the City Council of the City of Union City **APPROVING PURCHASE OF ONE LEASE/RENTAL RETURN FOUR WHEEL DRIVE SUV, CITY PROJECT NO. 04-06**

*Required Action: Motion*

Vehicle #501 is a 17 year old Jeep which has multiple mechanical and electrical issues and is no longer cost effective to repair. It is recommended replacing this vehicle with a lease/rental return which will cost \$25,000, \$4,000 less than a new vehicle.

- F. Resolution of the City Council of the City of Union City **APPROVING PURCHASE OF FIVE LEASE/RENTAL RETURN VEHICLES, CITY, CITY PROJECT NO. 04-07**

*Required Action: Motion*

The 2004/05 budget authorizes the replacement of five Chevy Celebrity sedans that are no longer cost effective to repair. Lease/rental vehicles will cost approximately \$17,000 each which will save the City approximately \$6,000 over the cost of new vehicles.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

*Items G and H will be addressed in a joint session of the Community Redevelopment Agency and the City Council.*

- G. Resolution of the Community Redevelopment Agency of the City of Union City **AUTHORIZING A CONTRACT WITH NOLTE ASSOCIATES FOR ONGOING PROJECT AND FUNDING COORDINATION SERVICES FOR THE BROADER INTERMODAL STATION DISTRICT PROJECT FOR FY 04/05**

*Required Action: Motion*

This resolution authorizes a contract with Nolte Associates to provide ongoing coordination and maintenance of the Master Project Schedule and associated project design and construction schedules, cash flow forecasting, funding oversight and assistance, and coordination services for the broader Intermodal Station District project.

- H. Resolution of the City Council of the City of Union City **AWARDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION (PSSC) AND EXECUTION OF CONTRACT AGREEMENT**

*Required Action: Motion*

Resolution of the Community Redevelopment Agency of the City of Union City **AWARDING CONSTRUCTION CONTRACT FOR CITY PROJECT NO. 03-25, LINE M DETENTION BASIN/PUMP STATION (PSSC) AND EXECUTION OF CONTRACT AMENDMENT**

*Required Action: Motion*

The Council and Agency resolutions awards the construction contract for the Line M Detention Basin/Pump Station to Anderson Pacific Engineering Construction, Inc., of Santa Clara, and authorizes the execution of the Contract Amendment with Mark Thomas and Co., Inc. for providing construction administration, inspection and surveying for this project.

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

I. **Resolution of the City Council of the City of Union City CANCELING AUGUST 24, 2004 REGULARLY SCHEDULED CITY COUNCIL MEETING**

*Required Action: Motion*

Past practice has been for the second regularly scheduled Council meeting in August to be canceled. Staff is requesting Council concurrence to cancel the August 24<sup>TH</sup> meeting in order to give the public and employees proper notice.

J. **Resolution of the City Council of the City of Union City AUTHORIZING RELEASE OF A REQUEST FOR PROPOSALS FOR SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC WASTE COLLECTION AND DISPOSAL SERVICES**

*Required Action: Motion*

This resolution authorizes the release of Request for Proposals for solid waste, recyclable materials and organic waste collection and disposal. The RFP consists of the RFP, the draft Franchise Agreement for Solid Waste, Recyclable Materials and Organic Waste collection services, and the draft Solid Waste Disposal Agreement.

K. **Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 2.04.390 - DATE OF GENERAL MUNICIPAL ELECTIONS**

*Required Action: Motion*

Ordinance 605-03 adopted by the City Council in 2003 amended the general municipal elections of the City to be held on the first Tuesday after the first Monday in November of even-numbered years and provides authority to amend Section 2.04.390 of the Union City Municipal Code to reflect this change.

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

- L. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 8.14, “ABATEMENT OF VICIOUS DOGS,” OF THE UNION CITY MUNICIPAL CODE**

*Required Action: Motion*

The proposed revision expands the ability of the City to collect costs associated with impounding vicious dogs, including administrative costs.

- M. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY REPEALING CHAPTER 8.36 OF THE UNION CITY MUNICIPAL CODE “REGULATION OF PIT BULLS”**

*Required Action: Motion*

Due to changes in State law, municipal regulations dealing with specific breeds of animals are no longer legally valid, rendering UCMC Chapter 8.36 moot. This Chapter of the Code is unenforceable because of State law.

- N. Final Reading Ordinance 626-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-03-04**

*Required Action: Motion*

On June 22, 2004, the Council conducted a public hearing on applications to demolish the existing 1,212 square foot Victorian residence (formerly owned by Mary Sa) and associated water tower, and to remove the Landmark and Historic Preservation Overlay Zone designation from the property. This is the second reading of the Ordinance 626-04 which amends the Official Zoning Map for the City.

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

**O. Claims No. 581 and 584**

*Required Action: Motion*

Staff is recommending rejection of Claim No. 581 filed by Claudia Marquez for alleged damage to her vehicle as a result of an excavation job done by Alameda County Water District.

Staff is recommending rejection of Claim No. 584 filed by Ambrose Rodriguez for alleged damage to his vehicle as a result of a metal object which became pinned or trapped beneath his vehicle. Mr. Rodriguez encountered this object on Mission Boulevard which is a State of California highway.

**XIII. ORAL COMMUNICATIONS**

**XIV. CORRESPONDENCE - NONE**

**XV. APPROVAL OF BILLS - MONTH OF JUNE 2004**

**A. Approval of Disbursements for Month of June 2004**

*Required Action: Motion*

**XVI. SCHEDULED ORAL COMMUNICATIONS - NONE**

**XVII. 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 Councilmember Elias for discussion on manner in which items are agendized**

**XVIII. GOOD OF THE ORDER**

**XIX. ADJOURNMENT**