

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 27, 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. **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: Professional Employee Group

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

Title: City Manager

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 15 or 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 2688-04

Ordinance 633-04

Redevelopment Reso. 301-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JULY 27, 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, July 13, 2004

Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

- A. Proclamation in honor of Geoffry Brown for service on the Human Relation Commission
Required Action: Motion
- B. Proclamation in honor of Robert Kelley for service on the Planning Commission
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 XIII of the agenda if they wish.

VII. HEARINGS - NONE

VIII. REPORTS FROM CITY MANAGER

- A. Report on Motorcycles and similar type Motorized Vehicles
Required Action: Information only

This report provides information concerning the legal operating requirements of motorcycles and similar type vehicles including mini-motorcycles or “Pocket” Motorcycles, motor scooters, motorized skateboards, mopeds and motorized bicycles.

- B. Approval of Franchise Agreement with Tri-CED for collection and processing of recyclable materials
Required Action: Motion

Staff is requesting authorization for a franchise agreement between the City and Tri City Economic Development Corporation for recyclable materials collection and processing. The agreement has a term of ten years and may be extended by the City at its sole discretion for up to five additional years.

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 **RESCINDING THE 5% EMPLOYEE COMPENSATION CONCESSION FOR THE MANAGEMENT EMPLOYEE GROUP AND APPROVING A 0.5% COST OF LIVING ADJUSTMENT FOR THE MANAGEMENT EMPLOYEE GROUP, EFFECTIVE JULY 1, 2004; AND AMENDING THE COMPENSATION PLAN FOR THE MANAGEMENT EMPLOYEE GROUP**

Required Action: Motion

This resolution approves rescinding the 5% Employee Compensation Concession and approves a 0.5% Cost of Living Adjust for the Management Employees Group effective July 1, 2004 and amends the Compensation Plan for the same period.

- B. Resolution of the City Council of the City of Union City **APPROVING REVISIONS TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LOCAL 790, SEIU FOR THE PERIOD FROM JULY 1, 2004 THROUGH JUNE 30, 2005; AND AMENDING THE COMPENSATION PLAN FOR EMPLOYEES REPRESENTED BY LOCAL 790, SEIU**

Required Action: Motion

This resolution approves revisions to the Memorandum of Understanding between the City and Local 790, SEIU for the period from July 1, 2004 through June 30, 2005 and amends the compensation plan for the same period.

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

C. **Resolution of the City Council of the City of Union City APPROVING PURCHASE OF ONE CNG POWERED PICKUP TRUCK**

Required Action: Motion

The purchase of a CNG pickup truck is recommended to replace a 1980 gasoline powered pickup truck which has a cracked engine block. Melrose Form has a 2004 F150 CNG powered pickup truck in stock as a result of the Oakland Housing Authority backing out of a contract. Staff is recommending the purchase of this truck which can be delivered in five days after the purchase order is processed.

D. **Resolution of the City Council of the City of Union City AUTHORIZING RECORDING OF THE FINAL MAP IN CONNECTION WITH DEVELOPMENT OF THE MISSION BOULEVARD GATEWAY DEVELOPMENT**

Required Action: Motion

The Final Map for this project consolidates the existing eight legal parcels into two legal parcels. This consolidation is a condition of constructing the Mission Gateway development, and has been presented as a preferred condition of closing the financing for the development.

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

E. **Resolution of the City Council of the City of Union City FOR CONVEYANCE OF PSSC ROUTE 84 PROPERTY BY LEGAL DESCRIPTION**

Required Action: Motion

Resolution of the Community Redevelopment Agency of the City of Union City REGARDING ITS INTENTION TO REIMBURSE COSTS WITH THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS

Required Action: Motion

The City Council and Redevelopment Agency Board entered into an Owner Participation Agreement (OPA) with Pacific States Steel Corporation in 2002 to cleanup and develop the former Pacific States Steel Corporation (PSSC) site. One provision of the OPA is for the City or the Agency to purchase the Route 84 right-of-way after the site has been cleaned up. The Council and Agency resolutions accept the conveyance of the Route 84 property on the former PSSC site.

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

F. Resolution of the City Council of the City of Union City **APPOINTING COUNCILMEMBER AS VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

Required Action: Motion

This year's League Annual Conference is scheduled for Friday, September 17-19 in Long Beach. One important aspect of the conference is the annual business meeting when the membership takes action on conference resolutions. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. This resolution designates the Voting Delegate from the City of Union City.

G. Resolution of the City Council of the City of Union City **TO ENTER INTO A CONTRACT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOL CONTROL - GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROGRAM, TO RECEIVE FUNDS THROUGH A GRANT**

Required Action: Motion

This resolution authorizes the City to accept a grant through the State of California, Department of Alcohol Beverage Control in the amount of \$31,737.00. The Union City Police Department will use the funds from this grant for the enforcement of alcohol related laws.

H. FINAL READING ORDINANCE NO. 627-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-04-04**

Required Action: Motion

This is the second reading of Ordinance 627-04. Initiated by East Bay Regional Park District, the applicant is requesting approval to change the Zoning Map Amendment designation for the property which includes the Meyer's cottage and gardens (APN 087-0040-015-01) and the adjacent property (APN 087-004-015-04) from an Agricultural (A) to an Open Space (OS) designation to allow for public access to the site. The East Bay Regional Park District, as lead agency, 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.

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

I. FINAL READING ORDINANCE NO. 628-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-05-04**

Required Action: Motion

This is the second reading of Ordinance 628-04. Initiated by the City of Union City, the proposal is a Citywide amendment to the Zoning Map of the City of Union City to bring the Zoning Map into compliance with the Land Use Diagram of the 2002 General Plan. This amendment affects 72 parcels of land in various locations through the City. The City has determined that the above amendment is exempt from further environmental review, based upon the certified EIR for the 2002 General Plan.

J. FINAL READING ORDINANCE NO. 629-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 18 OF THE UNION CITY MUNICIPAL CODE AT-04-04**

This is the second reading of Ordinance 629-04 which will 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.

K. FINAL READING ORDINANCE NO. 630-04: **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. This Ordinance provides authority to amend Section 2.04.390 of the Union City Municipal Code to reflect this change.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

L. FINAL READING ORDINANCE NO. 631-04: 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

This is the second reading of Ordinance 631-04 which will expand the ability of the City to collect costs associated with impounding vicious dogs, including administrative costs.

M. FINAL READING ORDINANCE NO. 632-04: 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

This is the second reading of Ordinance 632-04 which amends Chapter 8.36 of the Union City Municipal Code. 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. Claim No. 582

Required Action: Motion

The City’s Claim Administrator is requesting rejection of Claim No. 582 filed by Han Sup Shin regarding alleged abuse by Union City Police Department.

XIII. ORAL COMMUNICATIONS

XIV. CORRESPONDENCE - NONE

XV. APPROVAL OF BILLS - NONE

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

XVIII. GOOD OF THE ORDER

XIX. ADJOURNMENT