

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 2738-04

Ordinance 635-04

Redevelopment Reso. 301-04

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, OCTOBER 12, 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, September 28, 2004

Required Action: Motion

B. Approval of Minutes of the special City Council meeting of Tuesday, October 5, 2004

Required Action: Motion

V. PROCLAMATIONS/PRESENTATIONS

- A. Resolution in honor of Lt. Rod Romano upon his retirement from the Police Department
Required Action: Motion
- B. Resolution in honor of Sgt. Jim Ticer upon his retirement from the Police Department
Required Action: Motion
- C. Resolution in recognition of Tommie Lindsay, winner of the McArthur Foundation Award
Required Action: Motion
- D. Annual Report Presentation by Union Sanitary District
Required Action: Information

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: **SD-03-04, ELITE BAKERY BUILDING**
Required Action: Motion

Initiated by Twelve Star Builders, the applicant is appealing a decision by the Planning Commission to deny Site Development Review (SD-03-04) for construction of a new bakery with one additional retail tenant space and office space above; and Variance application (V-05-04) to allow a 12 foot front yard setback, where 25 feet are required and to allow 18 parking spaces where 20 are required. The vacant parcel is located on Dyer Street close to the Alvarado Boulevard intersection, and is identified as APN: 483-76-9-1 the property is zoned CC, Community Commercial.

VIII. REPORTS FROM CITY MANAGER

- A. Report regarding U.S.citizenship requirements for City Commissions
Required Action: Motion
- B. Report on Draft Implementation Plan for Contempo
Required Action: Motion
- C. Presentation by Sherry Lund regarding Strategic Planning Process
Required Action: Motion
- D. Report on the condition of buildings in the LHP (Landmark Historic Preservation) Overlay Zone
Required Action: Approval of staff recommendation

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 **IN SUPPORT OF CITIZENS FOR BART EARTHQUAKE SAFETY, YES ON MEASURE AA**
Required Action: Motion

Measure AA is an earthquake insurance policy for the Bay Area which will protect the investment in the BART system by providing essential funding for the BART Earthquake Safety Program.

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

- B. Resolution of the City Council of the City of Union City **DECLARING AN INTENTION TO VACATE RIGHTS-OF-WAY IN THE CITY OF UNION CITY AND SETTING A TIME AND PLACE FOR PUBLIC HEARING**

Required Action: Motion

Pinn Brothers Construction has requested vacation for a portion of property on the west of existing Union City Boulevard right-of-way alignment south of Bettencourt Way. The proposed right-of-way vacation consists of three parcels, designated Parcel 1, Parcel 2, and Parcel 4. (Parcel 3, now right-of-way and being used for road purposes, will be granted separately to the City.

- C. Resolution of the City Council of the City of Union City **APPROVING PLANS AND SPECIFICATIONS FOR 2004-05 TREE PRUNING AND REMOVAL PROJECT, CITY PROJECT NO. 04-22**

Required Action: Motion

This resolution approves a contract to perform annual pruning and selected removal of public trees upon the public right-of-way and on public properties. The city maintains approximately 18,000 public trees. Approximately 2,500 trees are serviced each year resulting in a service frequency of once every seven years.

- D. Resolution of the City Council of the City of Union City **AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENT FOR MTC PAVEMENT MANAGEMENT PROGRAM IMPLEMENTATION AND PAVEMENT CONDITION UPDATE, CITY PROJECT NO. 04-21**

This resolution authorizes the City Manager to execute a Contract with Santec Consulting Inc. for MTC Pavement Management Program Implementation and Pavement Condition Update.

XII. CONSENT CALENDAR/RESOLUTIONS (continued)

- E. Final Reading Ordinance 634-04: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING TITLE 2 OF THE UNION CITY MUNICIPAL CODE**

Required Action: Motion

The Council has expressed a desired to eliminate the requirement for a member of the City Council and a member of the New Haven Unified School District Board of Education to select one of its members to serve as an ex officio non-voting member of the Arts Council. This ordinance would eliminate the requirement for ex-officio members.

- F. **Claims No. 592, 597, and 598**

Required Action: Motion

Staff is requesting rejection of Claim No. 592, filed by Josefina Capistrano, regarding alleged damage to home as a result of roots affecting private sewer lateral line.

Staff is requesting rejection of Claim No. 597, filed by Jason Freitas, regarding alleged damage to vehicle as a result of asphalt overlay work performed near vehicle when parked.

Staff is requesting rejection of Claim No. 598, filed by Ben Hung and Grant Yee regarding alleged bodily injury as a result of a vehicle accident with a Union City transit bus.

XIII. ORAL COMMUNICATIONS

XIV. CORRESPONDENCE - NONE

XV. APPROVAL OF BILLS - MONTH OF SEPTEMBER

- A. **Approval of disbursements for month of September 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 Valle for discussion on signage at corner of Alvarado Niles Road and Western Avenue for a school crossing

XVIII. GOOD OF THE ORDER

CLOSED SESSION:

The City Council will adjourn to a closed session. Prior to the beginning of the closed session, there will be an opportunity for citizens to make public comments. After public comments, the Council will meet in closed session.

CLOSED SESSION:

- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Pursuant to Subdivision (b) of Section 54956.9 of the California Government Code)

One case.

XIX. ADJOURNMENT