

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 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

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Resolution 2762-04

Ordinance 637-04

Redevelopment Reso. 305-04

**AGENDA FOR THE REGULAR  
CITY COUNCIL MEETING OF  
THE CITY OF UNION CITY  
TUESDAY, NOVEMBER 23, 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 regular City Council meeting of Tuesday, November 9, 2004

*Required Action: Motion*

**V. PROCLAMATIONS/PRESENTATIONS - NONE**

A. Award of Certificates to winners of Leisure Services Pumpkin Drawing Art Contest

*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 XIII of the agenda if they wish.*

## VII. HEARINGS

### A. HEARING RE: NILES CANYON ROAD AND PALOMA WAY SCENIC CORRIDOR PROTECTION PLAN (Resolution)

*Required Action: Motion*

Staff is requesting consideration of a protection plan for the Niles Canyon Road and Paloma Way Scenic Corridor that addresses the types and extent of land uses that protect and retain the scenic quality. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15307 and 15308 in that this project has been authorized by state law to assure maintenance, restoration, or enhancement of a natural resource and of the environment by establishing procedures for protection.

### B. HEARING RE: EXTENSION OF URGENCY ORDINANCE MAKING FINDINGS AND ESTABLISHING A MORATORIUM ON THE APPROVAL OF PERMITS FOR DEVELOPMENT IN THE UNION LANDING COMMERCIAL (CUL) DISTRICT PENDING THE COMPLETION OF AN UPDATE TO CHAPTER 18.39 OF THE CITY'S MUNICIPAL CODE

*Required Action: Motion*

A determination is required whether to extend the interim urgency ordinance adopted October 18, 2004 for the Union Landing Commercial (CUL) District. The interim urgency ordinance prohibits permits and land use permits to be approved that would result in the construction or initiation of the following general land uses: General merchandise retail; business services; food stores; restaurants and food service; personal services; medical, dental, and optical; and residential uses.

## VIII. REPORTS FROM CITY MANAGER

A. Approving a Community Input Component for the City Strategic Planning Process (Resolution)

*Required Action: Motion*

Council has previously approved a contract with Sherry L. Lund Associates to provide consulting to the city in the development of a Strategic Plan. This report addresses the design considerations, three options for collecting data, and the impact on cost.

B. Report on City Council Field Tour

*Required Action: Selection of dates and times*

At the November 9, 2004, Council meeting, it was proposed that the Council take a field tour of key opportunity sites, new projects, and blighted properties around the community. The suggestion was made that the tour be scheduled on two Saturdays, one to cover the east side and one to cover the west side. This report suggests dates for the tours and lists possible stops.

C. Resolution approving a contract extension with MV Transportation for Fiscal Years 2005-06 and 2006-07

*Required Action: Motion*

The City has had an operating and maintenance contract with MV Transportation since July 1, 2000. The contract is currently in its final option year and will expire on June 30, 2005. MV Transportation is proposing to extend the contract for two more years through June 30, 2007.

D. Informational Report on the Youth Non-Violence Summit planned for January 15, 2005

*Required Action: Information Only*

A Youth Non-Violence Summit is being planned for Saturday, January 15, 2005, from 8 a.m. to 1 p.m. in the Ruggieri Senior Center. The Summit will feature presentations from the Alameda County Gang Task Force, local youth-serving non-profit agencies, a dramatic presentation from the nationally renowned Logan High School Forensics Program, and most important of all, give an open forum to youth and Union City residents of all ages to establish a frank and open dialogue on youth violence in Union City and what can be done to alleviate it and deal with its underlying causes.

IX. **REDEVELOPMENT AGENCY - NONE**

X. **AUTHORITIES/AGENCIES - NONE**

XI. **REPORTS FROM CITY COMMISSIONS/COMMITTEES**

A. Report from the Park and Recreation Commission regarding Shorty Garcia Park Improvements

*Required Action: Motion*

This is a follow-up report regarding background information and recommendations regarding future actions that can be taken to enhance the public recreational amenities in Shorty Garcia Park.

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 **APPROVING PLANS AND SPECIFICATIONS FOR THE ALVARADO NILES ROAD MEDIAN AND PAVEMENT REHABILITATION, CITY PROJECT NO. 03-13**

*Required Action: Motion*

Plans and specifications have been prepared by the City's consultant for the Alvarado-Niles Road Median and Pavement Rehabilitation Project. This project consists of removing and replacing curbs and gutters, installing root barriers, and replacing asphalt concrete pavement at selected locations in order to repair the uplifted median curb and pavement caused by tree roots. This resolution approves the plans and specifications for this project and calls for a bid opening on Thursday, January 13, 2005.

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

B. **Resolution of the City Council of the City of Union City AWARDING CONTRACT FOR THE 2004-2005 TREE PRUNING AND REMOVAL PROJECT, CITY PROJECT NO. 04-22**

*Required Action: Motion*

Union City provides maintenance of its 18,000 trees located in public places and upon the public right-of-way. Based upon the current budget, the City can maintain approximately 2,500 trees per year using outside contractors and some in-house staff. Staff is recommending awarding contract to TruGreen LandCare of Oakland, California for the 2004-2005 Tree Pruning and Removal Project for the City. Trugreen is the contractor who has provided these services to the City for the last five years.

C. **Resolution of the City Council of the City of Union City CANCELING THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR TUESDAY, DECEMBER 28, 2004**

*Required Action: Motion*

Past practice has been for the second regularly scheduled Council meeting in December to be canceled. Staff is requesting Council concurrence to cancel the December 28<sup>th</sup> meeting in order to give the public and employees proper notice.

D. **Resolution of the City Council of the City of Union City APPROVING SITE DEVELOPMENT REVIEW SD-07-04, EAST BAY REGIONAL PARK DISTRICT**

*Required Action: Motion*

The East Bay Regional Park District is requesting approval of Site Development Review to construct a 50 car parking area and to allow limited public access to the property gardens through May Road. 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)

- E. Resolution of the City Council of the City of Union City **AUTHORIZING THE REPLACEMENT OF THE FIRE STATION ALERTING SYSTEM**  
*Required Action: Motion*

To avoid time delays and quality control issues in the dispatching process, the Fire Department is requesting authorizing to implement the Locution system, which will reduce fire dispatch costs and increase the dispatcher efficiency.

- F. Resolution of the City Council of the City of Union City **DISSOLVING THE SISTER CITY RELATIONSHIP WITH TROISTK, RUSSIA**  
*Required Action: Motion*

This resolution dissolves the current Sister City relationship between the City of Union City and Troistk, Russia. This relationship, which was established in 1991, has been inactive for many years and is therefore not in the City's best interests to continue. The Sister City program is alive and well in Union City, as evidenced by the recent twinning ceremony with Chiang Rai, Thailand and the continued strong relationship with Santa Rosalia, Mexico.

- G. **CURRENT STATUS OF 911 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEE**  
*Required Action: Accept Informational Report*

This report provides a current status report on the 911 Fee, detailing current and projected revenues and current expenditures.

- H. Introduction of Ordinance: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTIONS 2.20.030, 2.25.020, 2.26.020, 2.27.020 OF THE UNION CITY MUNICIPAL CODE RELATING TO QUALIFICATIONS FOR MEMBERSHIP ON THE PARKS AND RECREATION COMMISSION, HUMAN RELATIONS COMMISSION, SENIOR CITIZENS COMMISSION, AND ARTS COUNCIL OF THE CITY, RESPECTIVELY**  
*Required Action: Motion*

This Ordinance is in response to Council's consideration of revising the City's requirement that register voter status be a condition of membership on the City's Commissions.

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

- I. **Introduction of Ordinance: AN ORDINANCE OF THE CITY OF UNION CITY ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.2(c) AND 33333.6(e)(2)(C), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH**

*Required Action: Motion*

The State Legislature passed a law that required redevelopment agencies to contribute to the Educational Revenue Augmentation Fund. The law included a provision that allowed an agency board by ordinance to extend the term of a redevelopment plan by one year to compensate for the ERAF payment. Staff is recommending introduction of the ordinance approving the amendment to the Redevelopment Plan and adoption of the proposed Notice of Exemption for the Ordinance.

- J. **FINAL READING ORDINANCE NO. 637-04: ORDINANCE OF THE CITY OF UNION CITY AMENDING SECTION 7.04.130 OF THE UNION CITY MUNICIPAL CODE TO MAKE THE COLLECTION OF CURBSIDE RECYCLING MATERIALS BY UNAUTHORIZED PERSONS AN INFRACTION**

*Required Action: Motion*

This legislation will revise the Union City Municipal Code to provide for a revised bail schedule and infraction ordinance applicable to curbside recyclable theft in Union City.

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*
  
- B. Request by Councilmember Elias to direct City Manager to release to the public the 2004 Dr. Murphy report in its entirety  
*Required Action:*
  
- C. Request by Mayor Green for discussion on amending Union City Municipal Code regarding swearing in of new Councilmembers

**XVIII. GOOD OF THE ORDER**

**XIX. ADJOURNMENT**