

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
JANUARY 25, 2005, 6:30 P.M.
COUNCIL CONFERENCE ROOM
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

6:00 P.M. - Council Conference Room

I. **ROLL CALL:** Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

II. **CLOSED SESSION:**

A. **PUBLIC EMPLOYEE APPOINTMENT** (Resolution)
(Pursuant to Subdivision (a) of Section 54957)

Title: Public Works Director

B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Subdivision (a) of Section 54956.9)

Name of Case: City of Union City, a municipal corporation v. Equity Capital, Inc., a Nevada Corporation
Superior Court

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

Potential Cases: One

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 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 2815-05

Ordinance 647-05

Redevelopment Reso. 310-05

**AGENDA FOR THE REGULAR
CITY COUNCIL MEETING OF
THE CITY OF UNION CITY
TUESDAY, JANUARY 11, 2005, 7:00 P.M.
COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL: Councilmembers Fernandez, Navarro, Valle, Vice Mayor Dutra-Vernaci, Mayor Green

III. UNFINISHED BUSINESS - NONE

IV. APPROVAL OF MINUTES

A. Approval of Minutes of the adjourned regular City Council meeting of Saturday January 8, 2005

Required Action: Motion

B. Approval of Minutes of the adjourned regular City Council meeting of Tuesday, January 11, 2005

Required Action: Motion

V. **PROCLAMATIONS/PRESENTATIONS**

- A. Resolution in recognition of Firefighter Michael Barry for his efforts with the Toys for Tots program
Required Action: Motion
- B. Resolution in recognition of business efforts to aid in the South Asia Tsunami Disaster Relief
Required Action: Motion
- C. Presentation by Centro De Servicios regarding services provided to the City
Required Action: Accept Report

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: **IMPLEMENTATION OF AN AUTOMATED RED LIGHT PHOTO ENFORCEMENT PROGRAM** (Resolution)
Required Action: Motion

This is a public hearing concerning the proposed implementation of an automated red light photo enforcement program. Staff is recommending entering into a sole source contract with Redflex Traffic Systems to provide the automated photo enforcement capabilities.

VIII. **REPORTS FROM CITY MANAGER**

- A. Midyear Budget Report
Required Action: Motion
- B. Report on conducting a survey of all City departments
Required Action: Motion

IX. **REDEVELOPMENT AGENCY - NONE**

X. **AUTHORITIES/AGENCIES - NONE**

XI. REPORTS FROM CITY COMMISSIONS/COMMITTEES

- A. Recommendation of the Park and Recreation Commission to name KB Trestle Glen/Johnson Property Park and Pacific States Steel site park
Required Action: Motion

At their January 12, 2005 Park and Recreation Commission meeting, the Commission considered naming of two new parks at KB Trestle Glen/Johnson property site and the KB Pacific Point/Pacific States Steel Corporation site. Their recommendations are brought forward for Council consideration.

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 **ACCEPTING THE PROGRESS REPORT ON THE IMPLEMENTATION OF THE HOUSING ELEMENT 2002-2004**
Required Action: Motion

Staff is recommending Council review and accept the Progress Report on the Implementation of the Housing Element of the General Plan.

- B. Resolution of the City Council of the City of Union City **AWARDING CONTRACT FOR ALVARADO-NILES ROAD MEDIAN AND PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. 03-13**
Required Action: Motion

This project consists of removing and replacing curbs and gutters, installing root barriers, and replacing asphalt concrete pavement at selected locations along Alvarado-Niles Road medians in order to repair the uplifted median curb and pavement caused by tree roots. This work will improve the ride in the inside or number one lane of Alvarado-Niles Road from I-880 to the Serpentine Drive and should also prevent future uplifting of the pavement and curb due to tree roots.

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

- C. FINAL ORD. 642-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF UNION CITY A-06-04**

Required Action: Motion

On January 11, 2005, the City Council conducted a public hearing on Zoning Map Amendment, A-06-04 and Tentative Tract Map, TTM 7576, to reclassify the zoning of the Hiramine Nursery site located at 32727 Alvarado-Niles Road from CN (Neighborhood Commercial) to RS 4500 (Single-Family Residential) and to allow the subdivision of the property into 15 residential lots. This is the second and final reading of Ordinance 642-05.

- D. FINAL ORD. 643-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 18.39 OF THE UNION CITY MUNICIPAL CODE AT-06-04**

Required Action: Motion

The City Council conducted a public hearing on January 11, 2005 to consider Zoning Text Amendment AT-06-04 to amend Chapter 18.39, Union Landing Commercial (CUL) District to: 1) strengthen the zoning text language regarding the performance criteria for each development type to further support the goals and policies of the General Plan; 2) revise the permitted and conditionally permitted uses to be more specific; 3) add a list of prohibited uses; and delete the Auto Mall development type in both the text and the permitted conditionally permitted use charts since it is clear that there is no future opportunity for auto mall development. This is the final and second reading of Ordinance 643-05.

- E. FINAL ORD. 644-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING HAZARDOUS MATERIALS**

Required Action: Motion

This ordinance will remove Risk Management and Prevention and insert Federal Risk Management Program (RMP) and California's Accidental Release Prevention (CAL ARP) to the City Hazardous Materials Ordinance.

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

- F. FINAL ORDINANCE NO. 645-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 15.20.180 TO TITLE 15 OF THE UNION CITY MUNICIPAL CODE CONCERNING SWEARING IN OF NEW COUNCILMEMBERS**

Required Action: Motion

This ordinance is in response to Council direction at the Council meeting of December 14, 2004 to change the swearing-in date for newly elected (or reelected) Councilmembers, and the selection of the Vice Mayor. This ordinance was introduced at the January 11, 2005 Council meeting.

- G. FINAL ORDINANCE NO. 646-05: **AN ORDINANCE OF THE CITY OF UNION CITY AMENDING CHAPTER 7.16, "PROPERTY MAINTENANCE", OF THE UNION CITY MUNICIPAL CODE**

Required Action: Motion

The proposed amendment to the ordinance will place into effect general property maintenance provisions that will provide the City with the flexibility and option to address, through the code enforcement process, any property maintenance issues that give rise to conditions that threaten the peace, health and safety of the public. This ordinance will also expand the application of the City's property maintenance provisions to conditions on non-residential properties that are not visible from a public street, but which still threaten the peace, health and safety of the public.

- H. **Claim No. 611**

Required Action: Motion

Staff is recommending rejection of Claim No. 611 filed by Aristeo Tesorero regarding alleged injuries as a result of an automobile accident with a UC bus.

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 Navarro for discussion on establishing a Youth Commission
Required Action: Motion

XVIII. GOOD OF THE ORDER

XIX. ADJOURNMENT