



CITY OF NEWARK CITY COUNCIL

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City Administration Building
7:30 p.m.
City Council Chambers

MINUTES

Thursday, January 24, 2008

A. ROLL CALL

Mayor Smith called the meeting to order at 7:33 p.m. Present were Council Members Nagy, Freitas, Huezo, and Vice Mayor Apodaca.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 10, 2008.

MOTION APPROVED

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve the Minutes of the regular City Council meeting of Thursday, January 10, 2008. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of ASR-08-1, an Architectural and Site Plan Review, for a wall sign (Ninkimono Japanese Cuisine) at 5790 Jarvis Avenue (Rosemont Square Shopping Center).

MOTION APPROVED

City Manager Becker gave the staff report recommending approval.

Council Member Nagy moved, Council Member Freitas seconded, to approve ASR-08-1, an Architectural and Site Plan Review, with Exhibit C, for a wall sign (Ninkimono Japanese Cuisine) at 5790 Jarvis Avenue (Rosemont Square Shopping Center). The motion passed, 5 AYES.

- D.2 Planning Commission referral of a review of a conditional use permit (U-84-21) and a planned unit development (P-84-22) for sign program modifications to allow a pole sign instead of the previously approved monument sign and freeway pylon sign for the retail center (Aspenwood Marketplace) at 34883 through 34903 Newark Boulevard (previously referred to as Chipotle Plaza @ Campanella Towers).**

MOTION APPROVED

City Manager Becker gave the staff report recommending approval.

Stephen Coulthard, Amcoe Sign Company, representing the applicant, stated that he had read Planning Commission Resolution No. 1710 and agreed to the conditions in it.

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve Planning Commission Resolution No. 1710 with Exhibit C, pages 1 through 5, for a review of a conditional use permit (U-84-21) and a planned unit development (P-84-22) for sign program modifications to allow a pole sign instead of the previously approved monument sign and freeway pylon sign for the retail center (Aspenwood Marketplace) at 34883 through 34903 Newark Boulevard (previously referred to as Chipotle Plaza @ Campanella Towers). The motion passed, 5 AYES.

- D.3 Planning Commission referral of a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for sign modifications to the Balentine Plaza Shopping Center (bounded, generally, by Cedar Boulevard to the west, by Mowry School Road to the north, by Balentine Drive to the east, and by Stevenson Boulevard to the south).**

MOTION APPROVED

City Manager Becker gave the staff report recommending approval.

Mike McClure, Arrow Sign Company, representing the applicant, stated that he had read Planning Commission Resolution No. 1711 and agreed to the conditions in it.

Council Member Nagy moved, Vice Mayor Apodaca seconded, to approve Planning Commission Resolution No. 1711 with Exhibit H, pages 1 through 5, for a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for sign modifications to the Balentine Plaza Shopping Center (bounded, generally, by Cedar Boulevard to the west, by Mowry School Road to the north, by Balentine Drive to the east, and by Stevenson Boulevard to the south). The motion passed, 5 AYES.

E. PUBLIC HEARINGS**F. CITY MANAGER REPORTS**

Council Member Huezo moved, Council Member Nagy seconded, to approve Consent Calendar Items F. 1 through F .8. The motion passed, 5 AYES.

CONSENT

- F.1 Acceptance of work with TruGreen Arbor Care, Inc., for Tree Maintenance Service, Project 816A.**

RESOLUTION NO. 9414

- F.2 Acceptance of calendar year work with Pacheco Brothers Gardening, Inc., for the 2007 Park and Landscape Maintenance Services.**

RESOLUTION NO. 9415

- F.3 Approval of specifications, acceptance of proposal and award of contract to Pacheco Brothers Gardening, Inc., for Park and Landscape Maintenance Services, Project 883A.**

**MOTION APPROVED PLANS
RESOLUTION NO. 9416 CONTRACT
CONTRACT NO. C08003**

- F.4 Approval of plans and specifications and award of contract to Commercial Alterations Service Company, for George M. Silliman Center Acid Room and Chloride Room Refurbishing, Project 811.**

**MOTION APPROVED PLANS
RESOLUTION NO. 9417 CONTRACT
CONTRACT NO. C08004**

- F.5 Authorization for the Mayor to sign a Consent to Assignment of the Transit Shelter Implementation Agreement.**

**RESOLUTION NO. 9418
CONTRACT NO. C08005**

- F.6 Second reading and adoption of an ordinance amending Newark Municipal Code, Chapter 17.18, Affordable Housing Program, in order to clarify certain requirements and provide added flexibility in the implementation of the Inclusionary Housing Program.**

ORDINANCE NO. 427

- F.7 Authorization for the Mayor to sign an agreement with Second Chance, Inc. to operate a multi-purpose shelter for the period of January 1, 2008 through December 31, 2013.**

RESOLUTION NO. 9419

CONTRACT NO. C08006

- F.8 Authorization for the Mayor to sign an agreement with Mercy Retirement & Care Center for the renewal of the Mercy Brown Bag Program.**

**RESOLUTION NO. 9420
CONTRACT NO. C08007**

City Attorney Galliano read the title of the ordinance.

NONCONSENT

- F.9 Introduction of an ordinance to amend Title 8 (Health and Safety), Chapter 8.26 (Abatement of Graffiti), Section 8.26.040 (Abatement of Graffiti), of the Newark Municipal Code.**

ORDINANCE NO. 428 INTRODUCED

Police Lieutenant Shearn gave the staff report recommending approval.

Council Member Nagy moved, Council Member Huezo seconded, to introduce an ordinance amending Title 8 (Health and Safety) of the Newark Municipal Code Chapter 8.26 (Abatement of Graffiti), Section 8.26.040 (Abatement of Graffiti) to reflect the deletion of Chapter 8.24 and the addition of Title 7 (Community Preservation and Nuisance Abatement), as well as the reduction in the number of days a property owner has to remove graffiti from private property after being notified by a Code Enforcement Officer from fourteen (14) to seven (7) days. The motion passed, 5 AYES.

City Attorney Galliano read the title of the ordinance.

- F.10 Authorization for the Mayor to sign an agreement with The Lew Edwards Group for consultant services for public opinion sampling and evaluation of possible public support for a local revenue measure for the City of Newark.**

**RESOLUTION NO. 9421
CONTRACT NO. C08008**

Assistant City Manager Jones gave the staff report recommending approval. He outlined the budget revenue shortfalls over the past few years and the budget reductions made by the City. He stated that one of the ways to address the budget imbalance is the development of a revenue measure that can be supported by the community, to protect and maintain vital services.

The first phase in considering a possible local revenue measure would be a survey of community concerns regarding City services and identifying what funding

mechanism might be supported by the community. He recommended The Lew Edwards Group to conduct this initial phase.

Council Member Nagy moved, Council Member Huezo seconded, to authorize the Mayor to sign an agreement with The Lew Edwards Group for consultant services for public opinion sampling and evaluation of possible public support for a local revenue measure for the City of Newark. The motion passed, 5 AYES.

City Attorney Galliano read the title of the resolution.

G. CITY ATTORNEY REPORTS

H. REDEVELOPMENT AGENCY

I. ECONOMIC DEVELOPMENT CORPORATION

J. COUNCIL MATTERS

J.1 Mayor Smith outlined the various events being held for the grand opening of the Ohlone College Newark Campus.

J.2 Council Member Freitas wished his wife a Happy Birthday. He suggested the City consider eliminating paper packets in favor of electronic versions. He noted that the Congestion Management Agency would be considering funding priorities at a future meeting.

In response to Council Member Freitas, City Manager Becker stated that a letter had been sent to the Food Maxx corporate office notifying them of the violation to their Conditions of Approval for shopping cart retrieval. The Albertsons and Drug Emporium buildings remained status quo. The property owner cleaned up the garbage and graffiti behind Wheel Works.

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 77841 to 77949, 77950 to 78058, 78059, 78060 to 78173, 78174.

Council Member Huezo moved, Council Member Nagy seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

M. CLOSED SESSION

N. ADJOURNMENT

At 8:08 p.m. Vice Mayor Apodaca moved, Council Member Huezo seconded, to adjourn the regular City Council meeting of Thursday, January 24, 2008. The motion passed, 5 AYES.

SHEILA HARRINGTON
City Clerk