



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, October 9, 2014

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, Marshall, and Vice Mayor Apodaca.

B. MINUTES

B.1 Approval of Minutes of the City Council meetings of September 18, 2014 and September 25, 2014.

Council Member Marshall moved, Council Member Collazo seconded, to approve the Minutes of the City Council meetings. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

D.1 MUP-14-37, a minor conditional use permit, to establish a large family day care home at 5557 Jonathan Drive.

City Manager Becker gave the staff report noting this was a review optional item.

The City Council concurred with the action of the Zoning Administrator.

E. PUBLIC HEARINGS

City Manager Becker announced that the newspaper failed to print the legal notices for public hearings E.1 and E.2. Because proper legal noticing was not completed by the newspaper, it will not be possible to hold the public hearings tonight. The Public Hearings will be held at the next City Council meeting on Thursday, October 23, 2014.

E.1 Hearing for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue. The City Council will consider: (1) an Initial Study and Mitigated Negative Declaration; (2) a General Plan amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) introduction of an Ordinance to amend

Title 17 (Zoning) of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500); (4) by motion, approving a planned unit development, and, a conditional use permit, (5) a Vesting Tentative Map 8208 for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42; and (6) finding the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee.

HEARING CANCELED

- E.2 Introduction of an Ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code by exempting residential additions from the Housing Impact Fee.

HEARING CANCELED

F. CITY MANAGER REPORTS

Vice Mayor Apodaca moved, Council Member Collazo seconded, to approve Consent Calendar Item F. 1. The motion passed, 5 AYES.

CONSENT

- F.1 Authorization for the City to accept the Office of Traffic Safety (OTS) "Avoid the 21" DUI enforcement campaign grant award, authorize the Police Chief to sign the Memorandum of Understanding, and amend the 2014-2016 Biennial Budget.

RESOLUTION NO. 10280

NONCONSENT

- F.2 Acceptance of Fire Services Alternatives Study from Citygate Associates for the cities of Newark and Union City and direction to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance.

MOTION APPROVED

City Manager Becker stated that the City has received excellent service from the Alameda County Fire Department (ACFD). The unfunded liabilities of uncapped retiree health care for retirees and their families and the contract agencies input for decision-making needs to be addressed. Citygate Associates conducted a Fire Services Alternative Study focusing on 1. remaining with ACFD, 2. forming a joint fire department with Union City, and 3. contracting for fire services with another entity.

Stewart Gary of Citygate Associates provided a presentation (on file in the City Clerk's office) on the results of the Fire Services Alternative Study.

City Manager Becker recommended that the City Council accept the study and direct staff to negotiate a five year extension to include yearly termination options, reform of retiree health benefits and increasing the Cities roll in decision making.

Fire Chief Rocha thanked Citygate for their assessment. He noted that the contract with Local 55 will reopen in 2016 and issues such as healthcare will be discussed. He urged the City Council to approve staff's recommendation.

Sean Burrows, President of Alameda County Firefighters Association, Local 55 also stated his support for staff's recommendation. He stated that Local 55 understood the issues and were willing to discuss.

Council Member Freitas moved, Council Member Collazo seconded to accept the Fire Services Alternatives Study and direct staff to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Council Member Collazo stated that October 9 is Fire Prevention Day and thanked the Alameda County Fire Department for their service.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 102647 to 102750.

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

M. CLOSED SESSION

M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun and Human Resources Director Abe.

At 8:19 p.m. the City Council recessed to a closed session.

At 8:27 p.m. the City Council convened in closed session.

At 8:32 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 8:32 p.m. Vice Mayor Apodaca moved, Council Member Marshall seconded, to adjourn the City Council meeting. The motion passed, 5 AYES.