



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, January 12, 2012

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, December 8, 2011 and the adjourned regular meeting of December 15, 2011.

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve the Minutes. The motion passed, 4 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Police Service Canine Henk.

Mayor Nagy read and presented the commendation to Police Service Canine Henk and Officer Patrick Smith.

C.2 Presentation on CitySERVE Initiative for disaster preparedness in the Tri-Cities.

George Rojas gave a PowerPoint presentation on CitySERVE, a community of approximately 70 church congregations. CitySERVE has chartered an initiative for disaster preparedness, response, relief, and recovery for the Tri-Cities.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of MUP-11-30, a minor conditional use permit, to establish a large family day care home at 6527 Normandy Drive.

City Manager Becker gave the staff report noting that this was a review optional item. The applicant currently operates a small family day care and would like to establish a large family day care home (a facility for up to 14 children).

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

E. PUBLIC HEARINGS

- E.1 Hearing to consider Z-11-29, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove “administrative, financial, professional and real estate offices” as a permitted use in the Regional Commercial (CR) Zoning District and add it to the list of conditional uses in Chapter 17.20, Commercial Districts, Section 17.20.040E (Conditional Uses).
ORDINANCE INTRODUCED**

Community Development Director Grindall stated that this proposed action would make offices a conditional use in the NewPark Mall area.

Mayor Nagy opened the public hearing at 7:49 p.m.

There was no public testimony.

Mayor Nagy closed the public hearing at 7:50 p.m.

Vice Mayor Apodaca moved, Council Member Collazo seconded to introduce an ordinance for a text amendment to Title 17 (Zoning) of the Newark Municipal Code, to remove “administrative, financial, professional and real estate offices” as a permitted use in the Regional Commercial (CR) Zoning District and add it to the list of conditional uses in Chapter 17.20, Commercial Districts, Section 17.20.040E (Conditional Uses). The motion passed, 4 AYES.

City Attorney Galliano read the title of the ordinance aloud.

F. CITY MANAGER REPORTS

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve Consent Calendar Items F.1 through F.4, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES.

CONSENT

- F.1 Motion to reschedule special meeting to interview City Council candidates from January 19, 2012 to Monday, January 30, 2012.
MOTION APPROVED**

- F.2 Authorization for the City Manager to sign a Bill of Sale for the sale of retired Police Service Canine Henk. RESOLUTION NO. 9907**
- F.3 Approval of an amendment to the Retirement Health Savings Plan requiring executive team employees to increase employee paid contributions for future medical costs. RESOLUTION NO. 9908**
- F.4 Approval of a Resolution of the City Council of the City of Newark Adopting a Memorandum of Understanding with the Newark Association of Miscellaneous Employees (NAME). RESOLUTION NO. 9909 CONTRACT NO. 12001**

NONCONSENT

- F.5 Resolution electing to have the City of Newark serve as the successor agency to the Newark Redevelopment Agency pursuant to Health and Safety Code Section 34173. RESOLUTION NO. 9910**

City Manager Becker stated that the California Supreme Court recently upheld Assembly Bill 1x26, which dissolved redevelopment agencies in California, and struck down Assembly Bill 1x27, which allowed redevelopment agencies to remain in existence if they opted in to the Voluntary Alternative Redevelopment Program.

The City may serve as the Successor Agency to the Agency and would be responsible for winding up the Agency's obligations. The assets, properties, contracts, leases, and records of the Agency would be transferred to the Successor Agency.

Vice Mayor Apodaca moved, Council Member Collazo seconded to elect to have the City of Newark serve as the Successor Agency to the Newark Redevelopment Agency. The motion passed, 4 AYES.

City Attorney Galliano read the title of the resolution aloud.

- F.6 Adoption of an Urgency Ordinance and first reading of an ordinance amending Ordinance No. 137, as amended, the Uniform Local Sales and Use Tax Ordinance and to repeal Ordinance No. 300. URGENCY ORDINANCE No. 451-U ORDINANCE INTRODUCED**

City Manager Becker stated that in 1993, Newark Motors, Inc. requested the Newark Redevelopment Agency provide a sales tax rebate to assist in property acquisition for new auto dealerships in Newark. The obligations of the agreements have been substantially met and Ordinance No. 300 is no longer necessary.

Council Member Freitas moved, Council Member Collazo seconded to adopt an Urgency Ordinance repealing Ordinance No. 300 which will amend Ordinance 137 as amended, the Uniform Local Sales and Use Tax Ordinance, by deleting Section 21-Credit for Taxes Due to Newark Redevelopment Agency. The motion passed, 4 AYES.

Council Member Freitas moved, Council Member Collazo seconded to approve the first reading of and introduce an ordinance to repeal Ordinance No. 300 which will amend Ordinance 137 as amended, the Uniform Local Sales and Use Tax Ordinance, by deleting Section 21-Credit for Taxes Due to Newark Redevelopment Agency. The motion passed, 4 AYES.

G. CITY ATTORNEY REPORTS

The City Council recessed to convene as the Redevelopment Agency.

H. REDEVELOPMENT AGENCY

Chairman Nagy called the meeting to order at 8:00 p.m.

Board Members Freitas, Collazo, and Vice Chair Apodaca were present.

H.1 Approval of Minutes of the Newark Redevelopment Agency meeting of September 22, 2011.

Board Member Freitas moved, Vice Chair Apodaca seconded, to approve the Minutes of the Redevelopment Agency. The motion passed, 3 AYES, 1 ABSTENTION (Collazo).

H.2 Adoption of an Urgency Ordinance and first reading of an ordinance repealing Ordinance RA-ORD-93-1 and direct the Executive Director to contact the Board of Equalization.

**ORDINANCE INTRODUCED
URGENCY ORDINANCE RA-ORD-2012-1U
MOTION APPROVED**

Executive Director Becker stated that in 1993, Newark Motors, Inc. requested the Newark Redevelopment Agency provide a sales tax rebate to assist in property acquisition for new auto dealerships in Newark. The obligations of the agreements have been substantially met and RA-ORD-93-1 is no longer necessary.

Board Member Freitas moved, Vice Chair Collazo seconded to approve the first reading of and introduce an ordinance to repeal Ordinance RA-ORD-93-1 which will repeal the Sales and Use Tax Ordinance for the Agency. The motion passed, 4 AYES.

Board Member Freitas moved, Board Member Collazo seconded to adopt an Urgency Ordinance repealing Ordinance RA-ORD-93-1 which will repeal the Sales and Use Tax Ordinance for the Agency. The motion passed, 4 AYES.

Vice Chair Apodaca moved, Board Member Collazo seconded to direct the Executive Director to contact the Board of Equalization to terminate agreements related to Ordinance RA-ORD-93-1. The motion passed, 4 AYES.

Agency Counsel Galliano read the titles of the Ordinances aloud.

At 8:05 p.m. Chairman Nagy adjourned the Redevelopment Agency meeting and reconvened the City Council meeting.

I. ECONOMIC DEVELOPMENT CORPORATION

J. COUNCIL MATTERS

- J.1** Mayor Nagy announced that he would adjourn the meeting in memory of longtime Newark resident Herman Ficklin and Mayor Robert Wasserman of the City of Fremont. The entire City Council extended their condolences.

K. ORAL COMMUNICATIONS

- K.1** John Henneberry stated that he would like to see the Newark Library open daily and suggested that the City Council shift funding from the Police Department to the library.

Mayor Nagy noted that the Alameda County Library System receives funding from the City through property taxes and that the City has provided additional financial assistance in the past.

Brian Edwards, Acting Library Manager, stated that the library would like to be open daily; however, he thought the Police Department was a necessary service.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 93355 to 93599.

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES.

M. CLOSED SESSION

N. ADJOURNMENT

At 8:20 p.m. Mayor Nagy adjourned the City Council meeting, in memory of Herman Ficklin and Mayor Robert Wasserman of Fremont.

A handwritten signature in cursive script that reads "Sheila Harrington". The signature is written in black ink and is positioned above the printed name and title.

SHEILA HARRINGTON
City Clerk