CITY OF NEWARK
CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

Minutes **Thursday, February 27, 2014**

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

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.

John Henneberry yelled from the audience that Mayor Nagy was a liar.

Mayor Nagy stated that if there were any more outbursts from the audience then he would have to consider having Mr. Henneberry removed from the room. He stated the time to speak was under Oral Communications.

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, February 13, 2014.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending the 2013 California District 14 Big League All-Stars.

Mayor Nagy presented the commendation to the five youth players and four coaches.

John Henneberry yelled from the audience, "Good job team. Good job team. Hey Nagy, you're a liar, bullshit Nagy. Good job team. You're a liar Nagy."

C.2 Proclaiming March as American Red Cross Month in Newark.

Mayor Nagy presented the proclamation to Helen Knudson, a member of the American Red Cross Leadership Council.

John Henneberry yelled from the audience that Mayor Nagy worked for SRI and was a hypocrite.

Mayor Nagy reminded Mr. Henneberry of his announcement a few minutes ago that outbursts from the audience would not be tolerated and may result in removal.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider adoption of an Initial Study/Mitigated Negative Declaration (E-13-19) and an amendment to a conditional use permit (U-93-22) for modifications (conversion to LED) to an existing parcel identification sign (Fremont Mazda) at 39800 Balentine Drive.

MOTIONS (2) APPROVED

Assistant City Manager Grindall stated the request would convert the existing sign to a digital display. Aesthetics, Biological Resources and Transportation/Traffic were environmental factors identified as potential impacts. The conditions of approval include mitigations to reduce the potential impacts to less than significant levels.

Mayor Nagy opened the public hearing at 7:45 p.m.

Michael Torres, Ellis and Ellis Signs, stated that he read the Planning Commission resolution and agreed to the conditions in the resolution.

Amir Fariso, manager of the dealer group, responded to Vice Mayor Apodaca's question that they were working on filling the vacant lot, but had no firm plans.

Mayor Nagy closed the public hearing at 7:47 p.m.

Council Member Marshall moved, Vice Mayor Apodaca seconded to, by motions: (1) adopt E-13-19, an Initial Study/Mitigated Negative Declaration; and (2) approve Planning Commission Resolution No. 1856, with Exhibit A, pages 1 and 2, for an amendment to a conditional use permit (U-93-22) for modifications (conversion to LED) to an existing parcel identification sign (Fremont Mazda) at 39800 Balentine Drive. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Marshall requested that Consent Calendar Item F.3 be removed for separate consideration.

Council Member Collazo moved, Vice Mayor Apodaca seconded, to approve Consent Calendar Items F.1, F.2 and F.4, that the resolutions be numbered consecutively, and

that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

F.1 Authorization for the City of Newark to apply for a California Department of Alcoholic Beverage Control (ABC) grant. RESOLUTION NO. 10171

F.2 Amendment to Resolution No. 2505, Employee Classification Plan, to retitle the Senior Public Safety Clerk classification specification to Police Records Supervisor. RESOLUTION NO. 10172

F.4 Initiation of the 2014 Weed Abatement Program and setting a date for a public hearing. RESOLUTION NO. 10173

NONCONSENT

F.3 Approval of Specifications, Acceptance of Bid, and Award of Contract to Joel Nelson Productions for Productions Services for the 2014 Music at the Grove Summer Concert Series. RESOLUTION NO. 10174 CONTRACT NO. 14004

Council Member Marshall thanked Recreation and Community Services Director Zehnder for his work on this project.

Council Member Marshall requested that staff investigate the purchase of a mobile stage and add it to the Capital Improvement Project list.

Council Member Marshall moved, Council Member Collazo seconded to, by resolution, accept the bid and award a contract with Joel Nelson Productions for production services for the 2014 Music at the Grove summer concert series. The motion passed, 5 AYES.

F.5 Resolution accepting the findings and recommendations contained in Newark-Fremont Bay Trail Realignment Feasibility Study, approval of the preferred alignment, and supporting the re-alignment of the San Francisco Bay Trail within Newark. RESOLUTION NO. 10175

Assistant City Manager Grindall stated that in 2010, the cities of Newark and Fremont received a grant from Association of Bay Area Governments to prepare a Feasibility Study and conduct public outreach for identification of a shoreline alignment of the

San Francisco Bay Trail. The Study identifies a preferred alignment closer to the Bay, however, the Study does not assure construction of the a trail nor funding.

Assistant City Manager Grindall stated that a letter was received this afternoon raising a number of issues, but there was nothing in the letter that would prevent the Council from voting on this item.

Wynn Grcich, spoke against moving the trail closer to the Bay. She stated her concerns that the water may be radioactive and if the Bay water level increased in the future it would move the water closer to the trail.

Margaret Lewis, asked if there was a map of the alignment in the study. Assistant City Manager Grindall identified the page in the study. She noted that this project was not posted under the ongoing projects section of the City website. She referenced the scientific information in the letter that was submitted earlier in the day.

Council Member Marshall moved, Council Member Collazo seconded to approve a resolution accepting the findings and recommendations contained in the Newark-Fremont Bay Trail Realignment Feasibility Study, approval of the preferred alignment, and supporting the re-alignment of the San Francisco Bay Trail within Newark. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

G.1 Claim of Jenelle Cooper. MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Vice Mayor Apodaca moved, Council Member Collazo seconded, to deny the claim and directed staff to notify the claimant of such denial. The motion passed, 5 AYES.

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Appointment to the Planning Commission.

RESOLUTION NO. 10176

Mayor Nagy requested that the City Council approve the appointment of Jeff Aguilar to the Planning Commission. The appointment will be for the unexpired term of Ms. Dias' Planning Commission seat, December 31, 2014.

Council Member Collazo moved, Council Member Marshall seconded to, by resolution, approve the appointment of Jeff Aguilar to the Planning Commission for a term to expire on December 31, 2014. The motion passed, 5 AYES.

I.2 Council Member Collazo thanked the Alameda County Fire Department for the CPR class that she attended at the Silliman Center. She urged the public to donate blood.

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

K. ORAL COMMUNICATIONS

K.1 Wynn Grcich stated that she attended the BASWA meeting for the Hetch Hetchy Pipe replacement discussion. They are considering a $38 million bond to fund a portion of the project that was not included in the original plan. She invited the public to attend the Clean Water Action rally on March 22 at Union Square in San Francisco.

K.2 John Henneberry stated that per his poll, City employees are overpaid. He requested the Mayor to place this matter on a future agenda. The Mayor declined. Mr. Henneberry asked the City Manager how many days per week and hours per day did he work at City Hall.

Mayor Nagy stated "Mr. Henneberry, Mr. Henneberry."

Mr. Henneberry stated "you are on my time Nagy, shut up."

Mayor Nagy stated "Mr. Henneberry."

Mayor Nagy requested that the City Clerk stop the timer.

Mr. Henneberry repeated "you are on my time Nagy, shut up" and continued speaking over the Mayor.

A female member from the audience yelled at Mr. Henneberry, "you shut up." Mr. Henneberry continued speaking.

Mayor Nagy requested the removal of Mr. Henneberry from the Chambers.

At 8:23 p.m. Mayor Nagy called a recess.

At 8:35 p.m. the meeting resumed.

Mayor Nagy stated that per the Municipal Code, all questions are directed to the Chair. He stated that Mr. Henneberry violated the Municipal Code when he asked a question

directly to staff. Mayor Nagy invited Mr. Henneberry to speak for the remainder of his time.

Mr. Henneberry questioned the need for the Newark Betterment Corporation and the funding source. He stated that the City Council needed adult supervision. He shared his thoughts on Council Member Marshall and Officer Neithercutt.

K.3 Frankie Addiego stated he was writing book and was looking for vintage photographs or anecdotes for Newark. He stated that the City manager's hours at City Hall were irrelevant since much of his time is spent attending meetings off site. He requested a moment of silence for Harold Ramis.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 100668 to 100792.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:43 p.m. Mayor Nagy adjourned the meeting.

SHEILA HARRINGTON
City Clerk