



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, January 23, 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 regular City Council meeting of Thursday, January 9, 2014.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced newly promoted employees: Landscape/Parks Maintenance Worker II Jason Avery and Landscape/Parks Maintenance Worker I Jose Rodriguez.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Marshall seconded, to approve Consent Calendar Items F.1 through F.3, 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 Approval of a Resolution Establishing Settlement Authority in the amount not to exceed Twenty-Five Thousand Dollars (\$25,000) for the City Manager in Workers Compensation Claims. RESOLUTION NO. 10161

F.2 Acceptance of contract with Bayscape Management, Inc., for the 2013 Weed Abatement Program. RESOLUTION NO. 10162

F.3 Approval of sponsorship of the Chamber of Commerce’s 2014 “Summerfest” and “Tri-City Motor Rally” to promote recycling in Newark and amendment to the 2012-2014 Biennial Budget for Recycling Promotion Sponsorships. RESOLUTION NO. 10162

G. CITY ATTORNEY REPORTS

G.1 Claim of Rajnesh Kumar. MOTION APPROVED

G.2 Claim of Susan and Thomas Jimenez. MOTION APPROVED

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

Council Member Freitas moved, Vice Mayor Apodaca seconded, by motion, to deny the claims concurrently and authorize staff to inform the claimants of such denial. The motion passed, 5 AYES.

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Approving leave credit for City Manager Becker. RESOLUTION NO. 10164

Mayor Nagy reported that the City Council met in closed session to evaluate the City Manager’s performance and found it to be favorable. He recommended granting the same leave that was given to other employees: 41.6 hours of leave time which may be taken as leave time or cashed out and 23 hours of non-cashable leave time. Additionally, he recommended 56 hours of Management Leave. The leaves were granted for the current Fiscal Year 2013 – 2014 and the next Fiscal Year 2014 – 2015.

John Henneberry, stated that based on his salary research, the City Manager should be paid \$110,000 per year. He requested that the City Council put this matter off and

place his salary research on a future agenda. He suggested placing salaries on the ballot.

Council Member Freitas moved, Council Member Collazo seconded to, by resolution, approve the leave credit for City Manager Becker. The motion passed, 5 AYES.

Mayor Nagy stated that the City conducts a yearly salary survey and that every City employee is compensated below the 10 city average rate. Citywide salary increases have not been given for several years.

- I.2 The entire City Council extended their condolences to the family of Police Officer Patrick Smith. His brother, BART Police Sergeant Thomas (Tommy) A. Smith, Jr., recently died in the line of duty.
- I.3 Mayor Nagy invited the public to attend the special City Council work session to discuss the 2014-2016 Biennial Budget and the year to date revenue and expenditures for the current budget. The work session will be held on Thursday, February 13, 2014 in the City Council Chambers beginning at 5:30 p.m.

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

K. ORAL COMMUNICATIONS

- K.1 John Henneberry shared his thoughts on city salaries, the city manager's work schedule, the Newark Betterment Corporation, City Council Member Marshall, and Officer Neithercutt.
- K.2 Bernie Nillo, Chair Elect of the Newark Chamber of Commerce, introduced Valerie Boyle who was recently hired as the President/CEO of the Newark Chamber of Commerce.
- K.3 Valerie Boyle stated that she was delighted to work for the Chamber of Commerce.
- K.4 Eric Royce requested that the City Council look into ways to deter people from rummaging through garbage and recycle bins. He stated that the current rules were not a deterrent. Mayor Nagy requested that staff look into this matter. Mr. Royce extended his condolences to Officer Smith's family.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 100328 to 100484.

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

M. CLOSED SESSION

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation: Two cases – from Assistant City Manager Grindall and City Attorney Benoun.

At 8:00 p.m. the City Council recessed to a closed session.

At 8:07 p.m. the City Council convened in closed session.

At 9:23 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 9:23 p.m. Council Member Collazo moved, Council Member Marshall seconded, to adjourn the regular City Council meeting in memory of BART Police Sergeant Thomas (Tommy) A. Smith, Jr. The motion passed, 5 AYES.

SHEILA HARRINGTON
City Clerk