



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, January 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 regular City Council meeting of Thursday, December 12, 2013.

Council Member Freitas 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 Assistant City Manager Grindall.

Mayor Nagy introduced recently promoted Assistant City Manager Terrence Grindall.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider an extension of a conditional use permit (U-07-32) and planned unit development (P-07-33) for the continued operation of a farmers' market (Agricultural Institute of Marin) in the NewPark Mall parking lot, (NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 [Nimitz Freeway]) and authorization to waive the application fee. MOTIONS-2 APPROVED

City Manager Becker gave the staff report recommending approval of the applicant's request for a four-year extension and fee waiver.

Mayor Nagy opened the public hearing at 7:37 p.m.

Peter Healy representing the Agricultural Institute of Marin, said that he had read the Planning Commission resolution and agreed to the conditions.

Mayor Nagy closed the public hearing at 7:39 p.m.

Council Member Marshall moved, Council Member Collazo seconded, by motions: (1) approve Planning Commission Resolution No. 1855 with Exhibit C, pages 1 through 4, for an extension of a conditional use permit (U-07-32) and planned unit development (P-07-33) for the continued operation of a farmers' market (Agricultural Institute of Marin) in the NewPark Mall parking lot (NewPark Mall is bounded, generally to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 [Nimitz Freeway]) and (2) authorize a waiver of the application fee. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Marshall moved, Council Member Collazo seconded, to approve Consent Calendar Item F.1 and that reading of the title suffice for adoption of the ordinance. The motion passed, 5 AYES.

CONSENT

- F.1 Second reading and adoption of an Ordinance to amend the contract between the Board of Administration of the California Public Employees Retirement System and the City Council of the City of Newark to provide Section 20516 (Employees Sharing Additional Cost) of 3.468% for new local miscellaneous members and 1.5% for new local safety members.**
ORDINANCE NO. 472

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Reappointment of William Spinola to the Alameda County Mosquito Abatement District.**
RESOLUTION NO. 10160

Mayor Nagy requested that the City Council reappoint William Spinola to the Alameda County Mosquito Abatement District for a two year term.

Vice Mayor Apodaca moved, Council Member Collazo seconded, by resolution, approve the reappointment of William Spinola to the Alameda County Mosquito Abatement District, for a term to expire on January 1, 2016. The motion passed, 5 AYES.

- I.2 Mayor Nagy complimented the 2014 Newark Library calendar featuring children's artwork.
- I.3 Council Member Collazo noted the recent newspaper article on the increased enrollment at the city's preschool program. She congratulated the parents and teachers for their efforts.
- I.4 Vice Mayor Apodaca invited the public to attend the Dr. Martin Luther King, Jr. Commemoration at the First Presbyterian Church on January 12. She extended her condolences to the Harris family on their recent loss.
- I.5 Council Member Freitas announced that the Alameda County Transportation Commission received a AAA credit rating.
- I.6 Council Member Marshall congratulated Assistant City Manager Grindall on his recent promotion.

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

K. ORAL COMMUNICATIONS

No one came forward to speak.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 100184 to 100327.

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

M. CLOSED SESSIONS

- M.1 **Closed session for conference with Legal Counsel on existing litigation pursuant to Section 54956.9(a) of the California Government Code: Mendoza v. City of Newark, et al., Alameda County Superior Court Case No. RG13664482 – from City Attorney Benoun.**

**M.2 Closed session pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: City Manager.**

**M.3 Closed session pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Negotiator: Mayor Alan L. Nagy
Unrepresented Employee: City Manager.**

At 7:48 p.m. the City Council recessed to the closed sessions.

At 7:53 p.m. the City Council convened in closed session.

At 9:15 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 9:15 p.m. Mayor Nagy adjourned the regular City Council meeting.

SHEILA HARRINGTON
City Clerk