



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, July 24, 2014

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 10, 2014.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 3 AYES, 1 ABSTENTION (Apodaca), 1 ABSENT.

### C. PRESENTATIONS AND PROCLAMATIONS

### D. WRITTEN COMMUNICATIONS

#### D.1 MUP-14-29, a minor conditional use permit, to establish a large family day care home at 6447 Benecia Avenue. **REVIEW OPTIONAL**

City Manager Becker stated that the Zoning Administrator approved a minor conditional use permit to establish a large family day care home at 6447 Benecia Avenue.

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

### E. PUBLIC HEARINGS

#### E.1 Hearing continued from July 10, 2014 to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11. **RESOLUTION NO. 10261**

Council Member Collazo owns property in this district and recused herself from participating. She left the City Council Chambers.

Mayor Nagy opened the public hearing at 7:34 p.m.

There was no public testimony.

Mayor Nagy closed the public hearing at 7:35 p.m.

Vice Mayor Apodaca moved, Council Member Freitas seconded to, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 11 for the 2014-2015 fiscal year. The motion passed, 3 AYES, 1 RECUSED (Collazo), 1 ABSENT.

Council Member Collazo returned to the City Council Chambers.

## **F. CITY MANAGER REPORTS**

Council Member Collazo moved, Council Member Freitas 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, 4 AYES, 1 ABSENT.

## **CONSENT**

- F.1 Notification to nonelected officials and designated employees to review their Conflict of Interest Code. RESOLUTION NO. 10262**
- F.2 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, authorization for resources necessary to provide full traffic control services along the parade and race routes, and waive fees for use of the Community Center and MacGregor Playfields, with exception to the fees required for building attendant and janitorial services. MOTIONS-3 APPROVED**
- F.3 Approval of Agreement with the Ray Morgan Company for Citywide Multifunction Copier/Scanner/Printer Rental and Services. RESOLUTION NO. 10263 CONTRACT NO. 14028**

**NONCONSENT**

- F.4 An Architectural and Site Plan Review for building elevations for an 85-unit residential townhome development (Integral Communities) on an approximately 4.28 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowry School Road. MOTION APPROVED**

Assistant City Manager Grindall gave the staff report highlighting the changes that were made to the building elevations after the June 12, 2014 City Council meeting.

Council Member Collazo and Vice Mayor Apodaca each stated that they were pleased with the revisions.

Council Member Freitas moved, Vice Mayor Apodaca seconded to, by motion, approve ASR-14-9, an Architectural and Site Plan Review, with Exhibit A pages 1 to 4, for a 85-unit residential townhome development (Integral Communities) on an approximately 4.28 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowry School Road. The motion passed, 4 AYES, 1 ABSENT.

**G. CITY ATTORNEY REPORTS****H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS**

- I.1 Appointment of Dolores W. Powell to the Senior Citizen Standing Advisory Committee. RESOLUTION NO. 10264**

Mayor Nagy recommended the appointment of Dolores W. Powell to the Senior Citizen Standing Advisory Committee.

Council Member Collazo moved, Vice Mayor Apodaca seconded to, by resolution, approve the appointment of Dolores W. Powell to the Senior Citizen Standing Advisory Committee. The motion passed, 4 AYES, 1 ABSENT.

- I.2 Approval of the dissolution of the Newark Sister City Advisory Committee. RESOLUTION NO. 10265**

Mayor Nagy stated that the Committee has not been active for the last 10 years and recommended the dissolution of the committee.

Council Member Freitas thanked the committee members for their service.

Council Member Freitas moved, Vice Mayor Apodaca seconded to, by resolution, approve the dissolution of the Newark Sister City Advisory Committee. The motion passed, 4 AYES, 1 ABSENT.

Mayor Nagy thanked Brian Edwards for his work at the Newark Library and wished him well in Albany. The entire City Council thanked Mr. Edwards for his service.

Council Member Freitas complimented the new Rosemont neighborhood sign.

Council Member Collazo thanked David Zehnder and Edda Rivera for their assistance in organizing the Mariachi Festival.

Vice Mayor Apodaca announced that she would not be seeking re-election.

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

**K. ORAL COMMUNICATIONS**

- K.1** Brian Edwards thanked the City Council for their kind words and introduced the new Branch Manager for the Newark library Ms. Adina Aguirre.
- K.2** Adina Aguirre stated that she looked forward to continuing the relationship between the library and the City.
- K.3** John Henneberry shared his interpretation of the Brown Act and the State of City speech. He requested that Council Member Marshall resign and Officer Neithercutt be fired.

**L. APPROPRIATIONS**

City Clerk Harrington read the Register of Audited Demands: Check numbers 101960 to 102089.

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

**M. CLOSED SESSION**

- M.1** **Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) Existing Litigation. Ray v. City of Newark et al., Alameda County Superior Court Case No. RG13685319 – from City Attorney Benoun.**

At 8:01 p.m. the City Council recessed to a closed session.

At 8:10 p.m. the City Council convened in closed session.

At 8:25 p.m. the City Council reconvened in open session with all Council Members present. Council Member Marshall noted absent.

City Attorney Benoun announced that Councilmember Collazo moved, and Vice Mayor Apodaca seconded, to: Accept the Mediation Settlement Agreement; Authorize and direct staff to tender payment to Plaintiff in the amount of \$43,750 as and for complete settlement of any and all claims raised in the Complaint in *Ray v. City of Newark*; and authorize and direct the City Manager, or his or her designee, to execute any and all documents necessary to effectuate settlement in this matter. The motion passed, 4 AYES, 1 ABSENT.

#### **N. ADJOURNMENT**

At 8:26 p.m. Council Member Freitas moved, Council Member Collazo seconded, to adjourn the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.