



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, September 25, 2014

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:33 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, September 11, 2014.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Newark Sister City Advisory Committee.

Mayor Nagy presented commendations to the Sister City Advisory Committee.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Vice Mayor Apodaca moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.7, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 5 AYES.

CONSENT

F.1 Amendment to Resolution No. 2505, Employee Classification Plan, to create one new class specification entitled Recycling Assistant; Amendment to Resolution No. 10127, the 2013-2015 Memorandum of

Understanding between the City of Newark and the Newark Association of Miscellaneous Employees to add one new classification entitled Recycling Assistant; Amendment to Resolution No. 10235, the 2014-2016 Biennial Budget to add and delete certain classifications.

RESOLUTION NO. 10270-10272

- F.2 Confirmation of the use of Measure B Bicycle and Pedestrian Local Pass-Through funds for the repair and replacement of sidewalk, curb, and gutter as adopted as part of the 2014-2016 Capital Improvement Plan.**
RESOLUTION NO. 10273
- F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015 Capital Budget Rollover.**
RESOLUTION NO. 10274
- F.4 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability).** **ORDINANCE NO. 476**
- F.5 Amendment to the Conflict of Interest Code for Nonelected Officials and Designated Employees.** **RESOLUTION NO. 10275**
- F.6 Approval of Amendment to Agreement with Ray Morgan, LLC for Multifunction Device Services.** **RESOLUTION NO.10276**
CONTRACT NO. 14028
- F.7 Accepting the bid of Mooring Tech for the purchase of eight Panasonic Toughbooks to replace the public safety mobile data computers, Project No. ERB01B14.** **RESOLUTION NO. 10277**

NONCONSENT

- F.8 Authorizing the Mayor to sign the First Amended Agreement for Restriction on use of Real Property for Development of Affordable Housing with SHH, LLC.** **RESOLUTION NO. 10278**
CONTRACT NO. 12054

Assistant City Manager Grindall stated that when originally approved, the entire SHH property was restricted until the affordable housing location could be identified. The affordable housing location has been identified and he recommended that the Mayor be authorized to sign the agreement when the parcel description has been created through a lot line adjustment.

Vice Mayor Apodaca requested that a safe walkway be identified from the development to the planned grocery store.

Council Member Marshall moved, Council Member Collazo seconded to, approve a resolution authorizing the Mayor to sign the First Amended Agreement for Restriction on use of Real Property for Development of Affordable Housing with SHH, LLC. The motion passed, 5 AYES.

F.9 Authorizing the Mayor to sign the First Amendment to the Grocery Store Agreement with the SHH Project Owner. RESOLUTION NO. 10279 CONTRACT NO. 12055

Assistant City Manager Grindall stated that the Torian project was approved with the condition that the developer provide a grocery store in the area. The SHH project is moving forward and a bond will be provided, in place of the land security. This change still maintains that the developer provide for a grocery store in the area.

Council Member Collazo moved, Vice Mayor Apodaca seconded to approve a resolution authorizing the Mayor to execute the attached First Amendment to Grocery Store Agreement with the SHH Project Owner. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

G.1 Claim of Pacific Gas & Electric.

G.2 Claim of Myron H. Reece.

MOTION APPROVED

City Attorney Benoun gave the staff report concurrently for G.1 and G.2 recommending denial of both claims.

Council Member Collazo moved, Council Member Marshall seconded to deny the claims 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 Mayor Nagy congratulated the Newark Days Committee on another successful event.

I.2 Council Member Collazo state that September 27 is Family Health and Fitness Day and encouraged families to go out and do something fun.

I.3 Vice Mayor Apodaca congratulated Recreation and Community Services Director Zehnder and Human Resources Director Abe for obtaining the League of California Cities Healthy Eating Active Living Initiative Grant.

I.4 Council Member Marshall invited the public to attend Stage One's production of West Side Story.

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 102538 to 102646.

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

M. CLOSED SESSION

**M.1 Closed session pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: City Attorney.**

At 7:56 p.m. the City Council recessed to a closed session.

At 8:01 p.m. the City Council convened in closed session.

At 8:23 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 8:21 p.m. Council Member Marshall moved, Council Member Collazo seconded, to adjourn the regular City Council meeting. The motion passed, 5 AYES.

SHEILA HARRINGTON
City Clerk