



CITY OF NEWARK CITY COUNCIL

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

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

Minutes

Thursday, June 25, 2015

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:31 p.m. Present were Council Members Hannon, Freitas, Bucci, and Vice Mayor Collazo.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, June 11, 2015.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commendation to Police Officer and Dispatcher of the Year.

Mayor Nagy presented the commendations to Police Officer of the Year Jennifer Bloom and Dispatcher of the Year Matt Reymundo.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of a review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard.

RESOLUTION NO. 10372

City Manager Becker stated that the First Presbyterian Church would like to replace the existing static reader board portion of their existing monument sign with a Light Emitting Diode marquee sign.

Vice Mayor Collazo moved, Council Member Bucci seconded to approve the review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

City Manager Becker announced that due to property ownership within Landscaping and Lighting Districts 10 and 11 Vice Mayor Collazo will need to recuse from public hearing E.6 and E.7. In order to expedite the public hearing process, he requested that the City Council consider public hearings E.1-E.5 and E.8-E.11 concurrently and then hold E.6 and E.7 concurrently after Vice Mayor Collazo has recused and exited the chambers. The City Council concurred with this change to the agenda.

**E.1 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 1. RESOLUTION NO. 10373**

City Manager Becker gave the staff report and recommended that the City Council open public hearings E.1 through E.5 and E.8 through E.11 simultaneously.

At 7:41 p.m. Mayor Nagy opened public hearings E.1 through E.5 and E.8 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, and 17 simultaneously.

No one came forward to speak.

At 7:42 p.m. Mayor Nagy closed public hearings E.1 through E.5 and E.8 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, and 17 simultaneously.

Council Member Freitas moved, Vice Mayor Collazo seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, and 17 for the 2015-2016 fiscal year. The motion passed, 5 AYES.

**E.2 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 2. RESOLUTION NO. 10374**

**E.3 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 4. RESOLUTION NO. 10375**

**E.4 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 6. RESOLUTION NO. 10376**

- E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7. RESOLUTION NO. 10377**

- E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13. RESOLUTION NO. 10378**

- E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15. RESOLUTION NO. 10379**

- E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16. RESOLUTION 10380**

- E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17. RESOLUTION 10381**

Vice Mayor Collazo exited the City Council Chambers.

- E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10. RESOLUTION NO. 10382**

City Manager Becker gave the staff report and recommended that the City Council open public hearings E.6 through E.7 simultaneously.

At 7:43 p.m. Mayor Nagy opened public hearings E.6 through E.7 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one came forward to speak.

At 7:44 p.m. Mayor Nagy closed public hearings E.6 through E.7, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Bucci moved, Council Member Hannon seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2015-2016 fiscal year. The motion passed, 4 AYES, 1 RECUSED (Collazo).

E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11. RESOLUTION NO. 10383

Vice Mayor Collazo returned to the City Council Chambers.

E.12 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2015-2016. RESOLUTION NO. 10384

City Manager Becker gave the staff report recommending approval.

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

No one from the public came forward to speak.

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

Vice Mayor Collazo moved, Council Member Bucci seconded to, by resolution, amend the Master Fee Schedule for Fiscal Year 2015-2016. The motion passed, 5 AYES.

E.13 Hearing to consider a planned unit development, a conditional use permit, and an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall in conjunction with the Halal Food & Eid Festival; and authorization to waive the application fee. RESOLUTION NO. 10385 MOTION APPROVED

City Manager Becker stated that the Halal Food & Eid Festival is planned for August 1, 2015. The Festival will be located in the same general area where the Farmers Market is held on Sundays. The applicant, a nonprofit organization, has requested a fee waiver.

Mayor Nagy opened the public hearing at 7:48 p.m.

Irfan Rydhan, event organizer, stated that he expected 5,000 to 8,000 people to attend the festival this year. He confirmed that he read and agreed to the conditions.

Mayor Nagy closed the public hearing at 7:50 p.m.

Council Member Bucci moved, Council Member Hannon seconded to: (1) adopt a Resolution approving P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall in conjunction with the Halal Food & Eid

Festival; and (2) by motion, authorize a waiver of the application fee. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Hannon pulled F.13 for separate consideration.

Vice Mayor Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.12, 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 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 for General Revisions. RESOLUTION NO. 10386**
- F.2 Establishment of the Fiscal Year 2015-2016 Appropriations Limit. RESOLUTION NO. 10387**
- F.3 Approval of Investment Policy. RESOLUTION NO. 10388**
- F.4 Establishment of amount of revenue from property taxes necessary to support City departments for Fiscal Year 2015/2016. RESOLUTION NO. 10389**
- F.5 Approval of plans and specifications, acceptance of proposal and award of contract to West Coast Arborist, Inc., for Tree Maintenance Services, Project 1119. MOTION APPROVED PLANS AND SPECIFICATIONS RESOLUTION NO. 10390 CONTRACT NO. 15026**
- F.6 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2015-2016. RESOLUTION NO. 10391 CONTRACT NO. 15027**
- F.7 Authorization for the Mayor to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for use of the Jerry Raber**

Newark Ash Street Park Building #1 for the operation of a food and clothing distribution center. RESOLUTION NO. 10392
CONTRACT NO. 15028

F.8 Authorization for the City Manager to sign a Lease Agreement with Child, Family and Community Services, Inc. for use of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool Program. RESOLUTION 10393
CONTRACT NO. 15029

F.9 Authorization for the City Manager to sign an Agreement with the Newark Chamber of Commerce to provide promotional services and for the rental of office space at 37101 Newark Boulevard. RESOLUTION NO. 10394
CONTRACT NO. 15030

F.10 Approval of events within the public right-of-way, authorization to issue an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee), and provision of traffic control for the annual Holy Ghost Festival on July 25 and 26, 2015. MOTION APPROVED

F.11 Declaration of intent to abandon a portion of the western half of Hickory Street right-of-way north of Perrin Avenue and establishment of July 23, 2015, as the date for a public hearing. RESOLUTION NO. 10395

F.12 Initiation of proceedings, confirmation of Engineer's Report, ordering of improvements, and levying of the first annual assessment for Landscaping and Lighting District No. 18 for Tract 8130. RESOLUTION NO. 10396 Initiate Proceedings
RESOLUTON NO. 10397 Engineer's Report

NONCONSENT

F.13 Approval of the Memoranda of Understanding with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA); and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management, Supervisory, and Professional Employee Group.

RESOLUTION NO. 10398-10401

Council Member Hannon commended all the parties involved in negotiating these agreements.

Council Member Hannon moved, Vice Mayor Collazo seconded to, by resolutions, approve the Memoranda of Understanding with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA), and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management, Supervisory, and Professional Employee Group. approve The motion passed, 5 AYES.

F.14 Approval of the City of Newark Paid Sick Leave Policy for compliance with the California Healthy Workplaces/Healthy Families Act of 2014.

RESOLUTION NO. 10402

City Manager Becker stated that the California Healthy Workplaces/Healthy Families Act of 2014 requires employers to provide qualifying employees with up to 3 days (24 hours) of sick leave annually beginning on July 1, 2015. The proposed policy applies to the City's part-time, seasonal and temporary employees who work for 30 days or more within 12 months of employment, and does not apply to benefitted employees who already accrue leave time for medical needs.

Council Member Freitas moved, Vice Mayor Collazo seconded to, by resolution approve the City of Newark Paid Sick Leave Policy for compliance with the California Healthy Workplaces/Healthy Families Act of 2014. The motion passed, 5 AYES.

F.15 Authorization for the Mayor to sign an amendment to the agreement between the City of Newark and the Alameda County Fire District regarding fire and emergency response services.

**RESOLUTION NO. 10403
CONTRACT NO. 10009**

City Manager Becker stated that staff is continuing to negotiate terms of a new Fire Services Agreement. A final agreement on the contract terms will not be reached prior to the June 30, 2015 contract expiration. In order to prevent service disruption, a limited term contract extension has been prepared by the City Attorney and Alameda County legal counsel. The agreement extends the existing agreement until September 30, 2015 and then, if necessary, extends beyond that date on a month to month basis. This will allow time for both parties to reach agreement on a new 5 year agreement.

In response to Council Member Bucci, City Manager Becker stated that the agreement itself will layout parameters of the OPEB cost formulas if the city terminated the agreement in the future, the actual resolution of unfunded retiree benefits has not been resolved.

Council Member Collazo moved, Council Member Bucci seconded to, by resolution, authorize the Mayor to sign an amendment to the agreement between the City of Newark

and the Alameda County Fire District regarding fire and emergency response services. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that only safe and sane fireworks are allowed on the Fourth of July Holiday. He encouraged the public to attend the firefighter pancake breakfast. He noted that the Music at the Grove concert series starts on June 26.

Vice Mayor Collazo stated that the Alameda County fair is open.

Council Member Hannon commended the Police Department for the successful resolution of a hostage situation in May.

Council Member Bucci stated that fireworks booths benefit nonprofits in the community.

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

K. ORAL COMMUNICATIONS

John Freitas requested the removal of two city trees that are in front of his home. He also shared his opinion on city employees who are not residents of the city.

Mayor Nagy asked staff to review the matter and determine the safety of the trees.

City Manager Becker stated that the trees have been inspected and the City arborist has determined that these trees are safe. He stated that City employees are dedicated to the city regardless of where they live.

Mayor Nagy stated that all City employees are dedicated to the community.

Gregory Lemos stated that he was concerned that the Alameda County Water District would ration water as a result of new housing in Newark. He stated that it appeared that the black top paving was mushrooming near gutters and wondered if there was enough room for wheelchairs as a result of the new construction on Cedar Boulevard.

Assistant City Manager Grindall confirmed that there would be enough room for wheel chairs when the construction at Cedar Boulevard was completed.

Jack Dane requested that Council Member Bucci share details on the Relay for Life fundraiser this weekend.

Council Member Bucci stated that there would be a citywide garage sale this weekend to benefit Relay for Life. He noted that they raised \$9,100 last year.

Tim Jones stated that National Night out will be held on August 4. He encouraged the public to go to city website for details.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of June 25, 2015.

City Clerk Harrington read the Register of Audited Demands: Check numbers 104879 to 105020.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:28 p.m., Mayor Nagy adjourned the meeting.

SHEILA HARRINGTON
City Clerk