



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, May 14, 2015

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 23, 2015. **MOTION APPROVED**

Council Member Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT (Mayor Nagy).

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider a request by the League of Volunteers (LOV), for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from September 3 through September 7, 2015; and authorization to waive the application fee.

**RESOLUTION NO. 10349
MOTION APPROVED**

City Manager Becker gave the staff report recommending approval.

Council Member Hannon asked about the history of the event.

City Manager Becker stated that the circus has performed in Newark for the past 10 years without any complaints.

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

Shirley Sisk, representing the League of Volunteers, said that she had read the resolution and agreed to the conditions.

Vice Mayor Collazo closed the public hearing at 7:36 p.m.

Council Member Freitas moved, Council Member Hannon seconded to: (1) by resolution, approve a request by the League of Volunteers (LOV) with Exhibit A pages 1 through 4, for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from September 3 through September 7, 2015; and (2) by motion, authorize a waiver of the application fee. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORTS

Margaret Lewis requested the removal of Item F.1 from the Consent Calendar.

Council Member Bucci moved, Council Member Hannon seconded, to approve Consent Calendar Items F.2 through F.6, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinances. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.2 Authorization for the City Manager, or Designee, to Sign a Tolling and Relocation Agreement with Gallade Enterprises, LLC and to Review and Comment on Gallade Enterprises' Proposed Allocation of Relocation Expenses.**
RESOLUTION NO. 10350
CONTRACT NO. C15016
- F.3 Ordinance to Commit Funds for Managing Waste and Recycling.**
ORDINANCE INTRODUCED
- F.4 Authorization for the City Manager to sign a Measure BB Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark.**
RESOLUTION NO. 10351
CONTRACT NO. C15017
- F.5 Acceptance of work with Chrisp Company for 2012-2013 Citywide Thermoplastic Street Striping, Project 1036.** **RESOLUTION NO.10352**
- F.6 Acceptance of work with Rosas Brothers Construction for 2014 Curb,**

Gutter and Sidewalk Replacement, Project 1065.**RESOLUTION NO. 10353****NONCONSENT**

- F.1 Second reading and adoption of two ordinances approving the rezoning of property from Limited Industrial to Medium Density Residential – Form Based Codes for the Trumark Dumbarton Transit Oriented Development Residential Project**
ORDINANCE NO. 486
ORDINANCE NO. 487

Margaret Lewis stated that bringing housing to this area would require more city services. She was concerned that the additional traffic and traffic calming measures would not be safer for the residents. She commented on environmental issues and asked a number of questions.

In response to Mrs. Lewis, Assistant City Manager Grindall stated that most of the Dumbarton area development is vacant land. This project will include new stores and commercial opportunities. The Environmental Impact Report studied the traffic extensively and did not indicate any significant problems. The project is conditioned to meet the Regional Water Quality Control Board's requirements; it is the RWQCB that makes the determination as to whether the property is cleaned up adequately.

In response to Vice Mayor Collazo, Mr. Grindall stated there will be emergency vehicle access. If it was not feasible, then the project could not go forward.

Council Member Hannon moved, Council Member Bucci seconded to adopt two ordinances: 1) amending Title 17, Section 17.44.010 of the Newark Municipal Code being the City of Newark Zoning Ordinance by changing the zoning of a specified area in the City Of Newark from ML (Limited Industrial) To MDR-FBC (Medium Density Residential –Form Based Codes) and; 2) amending Title 17 (Zoning) of the Newark Municipal Code Section 17.44.010 “Zoning Map” by rezoning all that real property shown on the Vesting Tentative Map 8098 From ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes). The motion passed, 4 AYES, 1 ABSENT.

- F.7 Authorization for the Mayor to Sign an Agreement with SoftResources, LLC to provide Integrated Financial Information System Consulting Services and authorization for the City Manager to sign an amendment to implement Phase 3 of the scope of work.**
RESOLUTION NO. 10354
CONTRACT NO. C15018

Administrative Services Director Woodstock gave the staff report.

Council Member Hannon asked if this project would increase financial information that could be made available to the public.

Ms. Woodstock reported that the newer software has standardized reports that would be posted to the city website.

Council Member Hannon moved, Council Member Bucci seconded to by resolution, authorize the Mayor to sign an Agreement with SoftResources, LLC to provide Integrated Financial Information System Consulting Services and authorize the City Manager to sign an amendment to implement Phase 3 of the scope of work. The motion passed, 4 AYES, 1 ABSENT.

G. CITY ATTORNEY REPORTS

G.1 Claims of Moises Torres, Allstate Insurance Company, James McThorn, and Luis Torres MOTION APPROVED

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

Council Member Hannon asked what recourse the claimants have should the City Council deny the claims. City Attorney Benoun responded that the claimants' recourse is to file litigation against the City.

Council Member Freitas moved, Council Member Hannon seconded to deny the claims and authorize staff to inform the claimants of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.2 Claim of Leroy and Diane Higgins MOTION APPROVED

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

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.3 Claim of 21st Century Insurance MOTION APPROVED

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

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.4 Claim of Richard Brower MOTION APPROVED

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

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Council Member Hannon stated that he attended an affordable housing ground breaking in the City of Fremont. He commended the Housing Authority noting that 25% of the units were set aside for veterans.

Council Member Freitas congratulated Vice Mayor Collazo on her first time conducting a city council meeting.

Council Member Bucci announced that Relay for Life is kicking off its free Summer Movies in the Park beginning on May 30th. All money raised is donated to the American Cancer Society.

Vice Mayor Collazo thanked Recreation and Community Services Director Zehnder and Administrative Assistant Rivera for the success of last weekend's Healthy Kids Fair at the Silliman Center. She congratulated Officer Bloom for being recognized by the Optimists Club as Officer of the Year in Newark. She also announced the Sixth Annual Avanzando Scholarship Awards on May 21st at the Newark Pavilion.

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

K. ORAL COMMUNICATIONS

Newark Library Branch Manager Adina Aguirre gave a short State of the Library report. The library circulated 7,000 more items than last year, had 15,000 more visitors, and program attendance increased from 13,000 to 20,000. She thanked her staff for the success.

Ms. Aguirre also announced she was beginning maternity leave and would return mid-November. She introduced Eileen Mendez who is the Interim Branch Manager.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of May 14, 2015. MOTION APPROVED

Deputy City Clerk Slafter read the Register of Audited Demands: Check numbers 104485 to 104668.

Council Member Bucci moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

N. ADJOURNMENT

At 8:05 p.m. Council Member Freitas moved, Council Member Bucci seconded to adjourn the City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

KATHLEEN L SLAFTER
Deputy City Clerk