



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, June 22, 2017

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:34 p.m. Present were Council Members Hannon, Collazo, Freitas, and Vice Mayor Bucci.

B. MINUTES

B.1 Approval of Minutes of the special City Council meeting of May 30, 2017 and the regular City Council meeting of June 8, 2017. MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced recently promoted Police Department employees: Captain Jonathan Arguello, Captain Chomnan Loth, Lieutenant Jolie Macias, Lieutenant Vince Kimbrough, Sergeant Brian Simon, and Sergeant Shannon Todd.

C.2 Commending Police Chief James Leal on his retirement.

Mayor Nagy presented a commendation to Police Chief James Leal who is retiring after 32 years of public service.

At 7:53 p.m. Mayor Nagy called for a recess; at 8:00 p.m. the meeting resumed.

D. WRITTEN COMMUNICATIONS

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 hearings E.1 and E.2. In order to expedite the public hearing process, he requested that the City Council consider public hearings E.1-E.2 concurrently after Council Member Collazo has exited the chambers and then hold E.3 - E.12 concurrently after Council Member Collazo returns. The City Council concurred with this suggestion.

Council Member Collazo exited the City Council Chambers.

E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10. RESOLUTION NO. 10646

E.2 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11. RESOLUTION NO. 10647

At 8:01 p.m. Mayor Nagy opened public hearings E.1 through E.2 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one came forward to speak.

At 8:02 p.m. Mayor Nagy closed public hearings E.1 through E.2, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Hannon stated that District No. 10 does not have an assessment and requested that staff review the property to ensure that it is maintained at an appropriate level. He requested that staff report back to council on the conditions next year.

Council Member Hannon moved, Vice Mayor Bucci seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2017-2018 fiscal year. The motion passed, 4 AYES, 1 RECUSED (Collazo).

Council Member Collazo returned to the City Council Chambers.

E.3 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 1. RESOLUTION NO. 10648

At 8:06 p.m. Mayor Nagy opened public hearings E.3 through E.12 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17 and 18 simultaneously.

No one came forward to speak.

At 8:07 p.m. Mayor Nagy closed public hearings E.3 through E.12, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17 and 18 simultaneously.

Council Member Freitas moved, Council Member 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, 17 and 18 for the 2017-2018 fiscal year. The motion passed, 5 AYES.

- E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 2. RESOLUTION NO. 10649**
- E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 4. RESOLUTION NO. 10650**
- E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 6. RESOLUTION NO. 10651**
- E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7. RESOLUTION NO. 10652**
- E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13. RESOLUTION NO. 10653**
- E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15. RESOLUTION NO. 10654**
- E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16. RESOLUTION NO. 10655**
- E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17. RESOLUTION NO. 10656**
- E.12 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 18. RESOLUTION NO. 10657**
- E.13 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2017-2018. RESOLUTION NO. 10658**

City Manager Becker gave the staff report recommending approval of the revisions to the Master Fee Schedule.

Mayor Nagy opened the public hearing at 8:09 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 8:10 p.m.

Vice Mayor Bucci moved, Council Member Collazo seconded to by resolution, amend the Master Fee Schedule for Fiscal Year 2017-2018. The motion passed, 5 AYES.

- E.14 Hearing to consider a planned unit development and a conditional use permit, for a two-day night market special event to be held on July 7 and 8, 2017, in the NewPark Mall parking lot (APN: 901-0111-025). 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). RESOLUTION NO. 10659**

City Manager Becker stated that the Bay Area Night Market is an open air market hosting local food vendors and small businesses. They would like to hold the event in the NewPark Mall Parking Lot on July 7 and 8, 2017.

Mayor Nagy opened the public hearing at 8:12 p.m.

Ms. Ria Abellera, said that she had read the resolution and agreed to the conditions.

Mayor Nagy closed the public hearing at 8:14 p.m.

Vice Mayor Bucci moved, Council Member Collazo seconded to by resolution, with Exhibit A, approve P-17-11, a planned unit development, and U-17-12, a conditional use permit to allow for a two-day night market special event to be held on July 7 and 8, 2017, in the NewPark Mall parking lot (APN: 901-0111-025). The motion passed, 5 AYES.

F. CITY MANAGER REPORT

Council Members Hannon removed F.7 from the consent calendar for separate consideration.

Council Member Freitas moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.6 and F.8 through F.10, 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 Adoption of the City of Newark's Framework for Green Infrastructure Plan Development. RESOLUTION NO. 10660**

- F.2 Authorization for the City Manager to sign Task Order No. 13 to the Joint Powers Agreement with the City of Fremont for Paratransit Services.**
RESOLUTION NO. 10661
- F.3 Approval of Investment Policy.** RESOLUTION NO. 10662
- F.4 Authorization for the Mayor to sign a three-year cooperation agreement for fiscal years 2018-2020 with Alameda County for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program.**
RESOLUTION NO. 10663
CONTRACT NO. 17016
- F.5 Authorization for the purchase of two (2) 2017 Toyota Siennas as replacement vehicles for the Police Department from Freeway Toyota and outfitting by Telepath.**
RESOLUTION NO. 10664
- F.6 Approval of plans and specifications, acceptance of bid, award of contract for the Base Bid and Additive Alternate Bid No. 2 to G. Bortolotto & Company, Inc. for Enterprise Drive Complete Streets and Road Diet, Project 1066, and amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-2018.**
MOTION APPROVED
RESOLUTION NO. 10665
CONTRACT NO. 17017
- F.8 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2016-2017 for General Revisions.** RESOLUTION NO. 10666
- F.9 Establishment of the Fiscal Year 2017-2018 Appropriations Limit.**
RESOLUTION NO. 10667
- F.10 Approval of plans and specifications, acceptance of bid, and award of contract to G. Bortolotto & Company, Inc. for the 2017 Asphalt Concrete Street Overlay Program, Project 1141.**
MOTION APPROVED
RESOLUTION NO. 10668
CONTRACT NO. 17018

NONCONSENT

- F.7 Approval of Contractual Services Agreements with various consultants for Building Inspection and Plan Check Services, Fuel Supply, Geologic and Geotechnical Engineering Services, and Traffic Signal and Street Light Maintenance. RESOLUTION NO. 10669**
CONTRACT NO. C17019 4 LEAF, Inc.
CONTRACT NO. C17020 Bureau Veritas North America, Inc.
CONTRACT NO. C17021 CEL Consulting, Inc.
CONTRACT NO. C17022 TRB & Associates, Inc.
CONTRACT NO. C17023 Bosco Oil, Inc. dba Valley Oil Company
CONTRACT NO. C17024 Cal Engineering & Geology, Inc.
CONTRACT NO. C17025 Cotton Shires and Associates, Inc.
CONTRACT NO. C17026 Cal West Lighting & Signal Maintenance, Inc.
CONTRACT NO. C17027 St. Francis Electric, LLC

Council Member Hannon requested that future staff reports include an explanation of the benefits of contracting for these types of services.

Council Member Hannon moved, Vice Mayor Bucci seconded to approve Contractual Service Agreements with various consultants for Building Inspection and Plan Check Services, Fuel Supply, Geologic and Geotechnical Engineering Services, and Traffic Signal and Street Light Maintenance. The motion passed, 5 AYES.

- F.11 Approval of Citywide Parks Master Plan. RESOLUTION NO. 10670**

Assistant City Manager Grindall stated that the Citywide Parks Master Plan identified improvements that would cost over \$34 million dollars. Four priority projects have been identified, that the consultant will highlight in the presentation. Staff estimates the total cost for these priority projects at \$7,000,000. Staff will request a budget amendment, at a future meeting, for those four projects. He noted that language was added to the Master Plan, at the Planning Commission meeting, stating that the sports fields will be evaluated for a possible dirt baseball infield, as those individual projects are developed.

Barbara Lundburg RHAA Landscape Architects gave a presentation on the planning process and community involvement in the creation of the Master Plan

Lauren Ivey, Project Manager stated that the priority projects identified in the Master Plan were: the Birch Grove Park Dog Park, the Newark Community Park Dog Park, Sportsfield All- Weather Turf Fields and Updated Pedestrian Pathway, and the Sportsfield Park Skate Park

Council Member Hannon requested that staff reach out to the community to ensure that non-traditional recreation needs are being met, periodically bring the Master Plan back to Council for review, consider installing cameras at the skatepark as a graffiti deterrent, and review the park impact fee numbers in the Master Plan to insure they capture true revenue.

Vice Mayor Bucci requested that an increase in bathrooms and water fountain repairs be considered for the parks. City Manager Becker stated that the public bathrooms tend to attract problem behavior and staff will look at creative solutions.

Cher Trickel, Newark National Little League Treasurer, spoke in favor of making baseball fields a priority.

Andrew Trickel, Newark National Little League, spoke in favor of making baseball fields a priority.

William Moore Newark National Little League Safety Officer, spoke in favor of making baseball fields a priority.

Ms. Trickel read a speech from Michelle Padilla (on file with City Clerk) who requested 2 dirt infield baseball fields.

The City Council discussed the current softball fields that are available for rent, the all-weather turf fields that will include a baseball diamond configuration, the current fee structure and the possibility of finding sponsorship opportunities for the Little League Team.

Council Member Hannon moved, Vice Mayor Bucci seconded to approve, by resolution, the Citywide Parks Master Plan. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

The entire City Council wished the community a happy and safe Independence Day Holiday. The City Council congratulated Police Chief Leal on his retirement.

Council Member Collazo stated that the LUNA fireworks booth would be in the parking lot near CVS.

Council Member Freitas stated that he read about a security problem at a banquet hall in Fremont that required mutual aid from the Newark Police Department. He stated that those facilities should have appropriate security for their events.

Council Member Hannon announced that he and his wife were celebrating their 39th wedding anniversary.

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

K. ORAL COMMUNICATIONS

Valerie Boyle stated that the Celebrating Business/Chamber Business Awards luncheon would be held next week. She read the nominee list for the various award categories.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of June 22, 2017. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 111278 to 111410.

Vice Mayor Bucci moved, Council Member Hannon 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 pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, *Henneberry v. City of Newark, et al.*; United States District Court, Northern District of California, Case No. C13-05238 MEJ – from City Attorney Benoun.**

M.2 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: One case – City Attorney Benoun.

At 9:23 p.m. the City Council recessed to closed sessions.

At 9:31 p.m. the City Council convened in closed sessions.

At 10:17 p.m. the City Council reconvened in open session with all Council Members present.

City Attorney Benoun announced for M.1 that action was taken; however because final approval rests with some other party to the litigation or with the court, no action can be reported at this time. If settlement becomes final, than upon inquiry by any person, the City will disclose the action that was taken. There was no reportable action for M.2.

N. ADJOURNMENT

At 10:17 p.m., Mayor Nagy adjourned the City Council meeting.