



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, December 14, 2017

### A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Hannon, Collazo, and Freitas.

Vice Mayor Bucci was noted absent.

### B. MINUTES

#### B.1 Approval of Minutes of the City Council meetings of November 7 and 9, 2017. **MOTION APPROVED**

Council Member Collazo moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Commending Volunteer Reserve Police Officer Bruce Howcroft for 40 years of volunteer service.

Mayor Nagy presented the commendation to Bruce Howcroft who has volunteered since 1977 as a Volunteer Reserve Police Officer for the Newark Police Department.

### D. WRITTEN COMMUNICATIONS

#### D.1 An Architectural and Site Plan Review, for 3 new advanced manufacturing buildings located at 7200, 7300, and 7400 Gateway Boulevard and finding that an additional environmental review is not required. **RESOLUTION NOS. 10720 - 10721**

Assistant City Manager Grindall gave the staff report recommending approval. Panattoni Development Company, Inc. has submitted an application for a two-story advanced manufacturing project consisting of 3 buildings that will include 249,919 square feet of manufacturing, 135,408 square feet of warehousing, and 26,000 square feet of office area.

Council Member Hannon complimented staff for expanding the public noticing for this project and suggested expanding noticing for future high impact projects.

Tim Shaler, Panattoni Development Company, stated that he read the resolutions and agreed to the conditions.

Council Member Hannon moved, Council Member Collazo seconded to, by resolutions: (1) find that ASR-17-14, an Architectural and Site Plan Review, submitted by Panattoni Development Company, Inc., to allow for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56) does not require additional environmental review as provided for in Section 21166 of the California Environmental Quality Act; and (2) approve ASR-17-14, an Architectural and Site Plan Review for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56). The motion passed, 4 AYES, 1 ABSENT.

## **E. PUBLIC HEARINGS**

## **F. CITY MANAGER REPORT**

City Manager Becker requested the removal of item F.7.

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

## **CONSENT**

- F.1 Second reading and adoption of an Ordinance amending Chapter 2.16 (Disaster Council) of the Newark Municipal Code to conform with the California Office of Emergency Services requirements.**

**ORDINANCE NO. 502**

- F.2 Approval of an agreement for participation in the Alameda County Operational Area Emergency Management Organization.**

**RESOLUTION NO. 10722**

- F.3 Approval of the 2018 Local Appointments List.**

**MOTIONS (3) APPROVED**

- F.4 Authorization for the purchase a 2018 Dodge Caravan SE as replacement vehicle for the Police Department from Fremont CDJR and outfitting by Telepath. RESOLUTION NO. 10723  
CONTRACT NO. 17052**
- F.5 Approval of partial release of security for Tract 8212 (Classic 36120 Ruschin, L.P.), a residential subdivision at 36120 Ruschin Drive. RESOLUTION NO. 10724**
- F.6 Recalculation of the Fiscal Year 2017-2018 Appropriations Limit. RESOLUTION NO. 10725**

## **NONCONSENT**

- F.7 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2016-2017 in accordance with Government Code Section 66006(b).**

City Manager Becker stated that additional expenditure information needs to be added to the report. Staff will update the report and place this on the next City Council meeting agenda.

## **G. CITY ATTORNEY REPORTS**

- G.1 Authorizing the creation of the Pooled Liability Assurance Network Joint Powers Authority (“PLAN JPA”) for Risk Management Services and execution of the joint powers agreement. RESOLUTION NO. 10726**

City Attorney Benoun stated that the City of Newark is self-insured for general liability through the Association of Bay Area Governments Pooled Liability Assurance Network (ABAG PLAN). As a result of the merger of ABAG and MTC and a desire to reduce costs, the ABAG PLAN will need to form a new Joint Powers Authority so that another source can provide administration services for the pool.

Council Member Freitas moved, Council Member Collazo seconded to by resolution, approve and authorize the execution of the Pooled Liability Assurance Network (“PLAN”) Joint Exercise of Powers Agreement. The motion passed, 4 AYES, 1 ABSENT.

## **H. ECONOMIC DEVELOPMENT CORPORATION**

## **I. CITY COUNCIL MATTERS**

**I.1 Reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District. RESOLUTION NO. 10727**

Mayor Nagy recommended the two year reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District.

Council Member Collazo moved, Council Member Hannon seconded to, by resolution, approve the reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District, for a term to expire on January 31, 2020. The motion passed, 4 AYES, 1 ABSENT.

**I.2 Approving 2 percent merit increase for City Attorney David J. Benoun. RESOLUTION NO. 10728**

City Attorney Benoun stepped down from the dias. Special Counsel Brian Libow joined the dias to serve as legal counsel for this agenda item.

Mayor Nagy recommended that the City Council approve a 2 percent salary increase for City Attorney Benoun.

Council Member Collazo moved, Council Member Hannon seconded to, by resolution, approve a 2 percent merit increase for David J. Benoun as City Attorney. The motion passed, 4 AYES, 1 ABSENT.

City Attorney Benoun returned to the dias.

**I.3 Appointment of Mayor Pro Tempore and authorization for the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments MOTION APPROVED RESOLUTION NO. 10729**

Mayor Nagy nominated Council Member Hannon as Vice Mayor.

Council Member Freitas moved, Council Member Collazo seconded to (1) by motion, appoint Council Member Hannon as Mayor Pro Tempore; and (2) by resolution, authorize the new Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments. The motion passed, 4 AYES, 1 ABSENT.

**I.4 Appointments of City Council Members to agencies, boards, commissions, and committees. RESOLUTION NO. 10730**

Mayor Nagy stated that the City Council Member appointments would remain the same for the upcoming year. The assignments for 2018 are as follows:

Alameda County Fire Advisory

Council Members Bucci and

Commission	Collazo – delegate and alternate
Alameda County Library Advisory Commission	Council Members Collazo and Mayor Nagy – delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Bucci and Hannon – delegates
Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Hannon and Freitas – delegate and alternate
Association of Bay Area Governments (ABAG)	Council Member Bucci and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Mayor Nagy and Council Member Bucci – delegate and alternate
Newark City Council –Board of Education	Council Members Hannon and
Liaison Committee	Collazo – delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic Information System Authority	Mayor Nagy - delegate Council Member Bucci – alternate
Tri-City Waste Facility Financing Hannon – Authority delegates	Mayor Nagy and Council Member

Vice Mayor Hannon moved, Council Member Collazo seconded, by resolution, to approve the appointments to the various agencies, boards, commissions, and committees. The motion passed, 4 AYES, 1 ABSENT.

Mayor Nagy congratulated Manny Deserpa, Ray Hoppe, and Kelly Hess on their retirements from City service.

Council Member Freitas congratulated Vice Mayor Hannon on his appointment as Vice Mayor. He commended Vice Mayor Bucci on a job well done.

Council Member Collazo wished everyone a Merry Christmas, a Happy New Year, and to Shop Newark.

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands for the City Council meeting of December 14, 2017. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 112804 to 113130

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

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 8:04 p.m.