



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, April 26, 2018

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of April 12, 2018.

MOTION APPROVED

Council Member Collazo moved, Vice Mayor Hannon seconded, to approve the minutes. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Presentation by the Farmers and Farmerettes Square Dance Club.

Don Baker and representatives from the Farmers and Farmerettes presented contributions to the Newark Betterment Corporation to be used for Graffiti Abatement, K9, and Meals on Wheels.

C.2 Proclaiming May as National Water Safety Month.

Mayor Nagy presented the proclamation to Aquatics Coordinator Samantha Fallon.

C.3 Proclaiming May 3, 2018, as National Day of Prayer.

Mayor Nagy presented the proclamation to Pastor Emeritus Ed Moore.

C.4 Proclaiming April 2018 as Fair Housing Month in Newark.

Mayor Nagy presented the proclamation to Tim Ambrose and Will Doerlich of the Bay East Association of REALTORS®.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider property owners' objections to the 2018 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances. MOTION APPROVED

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:51 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:52 p.m.

Vice Mayor Hannon moved, Council Member Bucci seconded to, by motion, act upon any objections by property owners to the 2018 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances. The motion passed, 5 AYES.

E.2 Hearing to consider approval of the NewPark Place Specific Plan and an Addendum to the General Plan Tune Up Draft Program Environmental Impact Report addressing and disclosing the Environmental Impacts of the NewPark Place Specific Plan. RESOLUTION NO. 10771-10772

Assistant City Manager Grindall stated that the NewPark Place Specific Plan focuses on revitalizing the Greater NewPark area into a mixed-use destination. NewPark Mall remains the retail focus and the Specific Plan allows for development of up to 1,519 apartment units, 367 hotel rooms, and up to 500,000 square feet of office development.

Ron Sissen, David Masenten, and Ryan Call from the consultant team, presented the design overview (presentation on file with City Clerk) and outlined benefits to the City.

In response to Council Member Bucci, Assistant City Manager Grindall stated that streets could be renamed as individual projects moved forward.

Mayor Nagy opened the public hearing at 8:18 p.m.

Eric Dinenberg of Rouse (Brookfield) Properties, stated that they have put together a project team and are ready to start the site development process as soon as the plan is approved.

Mayor Nagy closed the public hearing at 8:24 p.m.

Council Member Freitas moved, Council Member Bucci seconded to by resolutions: (1) approve an Addendum to the General Plan Tune Up Draft Program Environmental Impact Report addressing and disclosing the Environmental Impacts of the NewPark

Place Specific Plan and (2) approve the NewPark Place Specific Plan. The motion passed, 5 AYES.

F. CITY MANAGER REPORT

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Item F.1, that the resolution be numbered consecutively, and that reading of the title suffice for adoption of the resolution. The motion passed, 5 AYES.

CONSENT

- F.1 Authorizing the replacement of three Automatic License Plate Recognition (ALPR) systems and declaration of Neology as the single source vendor. RESOLUTION NO. 10773**

NONCONSENT

- F.2 Authorizing the Mayor to sign a Contractual Services Agreement with Rhoades Planning Group to conduct the Old Town Specific Plan, Streetscape Design and Project Schematic Design and approval of a budget amendment. RESOLUTION NO. 10774 CONTRACT NO. 18007**

Assistant City Manager Grindall recommended an agreement with Rhoades Planning Group to prepare the Old Town Specific Plan, Streetscape Design, and Project Schematic Design project. This project will guide the transformation of the Old Town area into a mixed use area with ground floor retail and residential above.

The City Council discussed providing bilingual outreach materials, consider including an archway in the project, and requested that staff provide a project timeline.

Council Member Bucci moved, Council Member Collazo seconded to, by resolution, authorize the Mayor to sign a Contractual Services Agreement with Rhoades Planning Group, and amending the 2016-2018 Biennial Budget for Fiscal Year 2017-2018. The motion passed, 5 AYES.

- F.3 Update on the Draft 2018-2020 Capital Improvement Plan with project funding recommendations. INFORMATIONAL**

Public Works Director Fajeau gave an overview of staff recommendations for project funding by funding source categories (presentation on file with City Clerk).

In response to City Council comments, Public Works Director Fajeau will review the suggestions of adding: traffic system preemptions, bathroom upgrades at Community Center Park, and a snack shack at Sportsfield Park.

This item was informational only, no action was taken.

F.4 Consider opposing a potential State Ballot Measure known as the Tax Fairness, Transparency, and Accountability Act of 2018.

RESOLUTION NO. 10775

City Manager Becker stated that The Tax Fairness, Transparency, and Accountability Act of 2018 (Initiative) may be considered as a State ballot measure at the November election. The Initiative would change how state and local governments impose taxes, fees, and other charges. If approved, the Initiative would be applied retroactively to January 1, 2018 and may void any local measures that do not meet the new regulation.

Council Member Collazo moved, Vice Mayor Hannon seconded to, by resolution, oppose The Tax Fairness, Transparency, and Accountability Act of 2018. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

G.1 Claim of James Ferris.

MOTION APPROVED

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

Council Member Freitas moved, Council Member Collazo seconded to, by motion, deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 5 AYES.

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Appointment to the Senior Citizen Standing Advisory Committee.

RESOLUTION NO. 10776

Mayor Nagy recommended the appointment of Stanley Keiser to a two year term on the Senior Citizen Standing Advisory Committee.

Vice Mayor Hannon moved, Council Member Collazo seconded to, by resolution, appoint Stanley Keiser to a two year term on the Senior Citizen Standing Advisory Committee. The motion passed, 5 AYES.

I.2 Consideration of City Council’s summer meeting recess during the month of August 2018 .
MOTION APPROVED
RESOLUTION NO. 10777

Mayor Nagy recommended a City Council summer meeting recess in August.

Council Member Freitas moved, Council Member Collazo seconded to, by motion, approve a City Council summer meeting recess during the month of August 2018 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess. The motion passed, 5 AYES.

Council Member Collazo stated to shop Newark and have a nice week.

Vice Mayor Hannon thanked Farmers and Farmerettes for their donation to Meals on Wheels and shared a story from his experience delivering meals.

Council Member Freitas congratulated Mayor Nagy on the State of the City speech. He attended the Viola Blythe volunteer event and noted the donations that they have received from the Newark Police Association and Alameda County firefighters.

Council Member Bucci thanked Assistant to the City Manager Laurie Gebhard for her State of the City assistance. He stated that the City did not join the Community Choice Energy and suggested that the City Council consider exploring other energy options. Mayor Nagy referred this suggestion to staff research and bring back for discussion.

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 April 26, 2018.
MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 114141 to 114259.

Council Member Freitas moved, Vice Mayor Hannon seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

M. CLOSED SESSION

**M.1 Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(4) (Initiation of Litigation)
Number of Potential Cases: 1**

Council Member Bucci stated that he would recuse himself from the closed session since his home is within 500 feet of the potential litigation.

At 9:40 p.m. the City Council recessed to a closed session.

At 9:49 p.m. the City Council convened in closed session in the Fifth Floor Conference Room.

At 10:28 p.m. the City Council reconvened in open session with all Council Members present, except Council Member Bucci.

City Attorney Benoun stated that the City Council directed staff to initiate a legal action. The action, the defendants, and other particulars will be disclosed once litigation is formally commenced to any person upon inquiry unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties or if disclosure at that time would jeopardize the City's ability to conclude settlement negotiations.

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 10:28 p.m.