



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, July 26, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 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 July 12, 2012.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Administrative Services Director Woodstock.

Mayor Nagy presented a retirement commendation to Administrative Services Director Susie Woodstock.

C.2 Commending Nancy Eddy.

Mayor Nagy presented a retirement commendation to Nancy Eddy, founder and leader of Deaf Plus Adult Community.

C.3 Commending Tim Jones.

Mayor Nagy presented a retirement commendation to Special Assistant Tim Jones.

C.4 Commending Police Service Canine Ares.

Mayor Nagy presented a retirement commendation to Police Service Canine Ares and his handler, Officer Nick Mavrakis.

C.5 Introduction of employees.

Mayor Nagy introduced recently hired Police Officers Juan Herrera and Salvador Hernandez.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments. MOTION APPROVED RESOLUTION NO. 10825

City Manager Becker gave the staff report recommending approval.

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

No one came forward to speak.

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

Council Member Bucci moved, Council Member Collazo seconded to, by motion, act upon any objections by property owners for assessments on their parcels for the 2018 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments. The motion passed, 5 AYES.

E.2 Hearing to consider establishing a Planned Development Overlay District and a Planned Development Plan, P-18-5 to allow construction of a 6-unit apartment project located at 37093 Locust Street. RESOLUTION NO. 10826 INTRODUCTION OF ORDINANCE

Council Member Freitas announced that he owns property within 500 feet of the project and would recuse himself from participation. Council Member Freitas left the Council Chambers.

Assistant City Manager Grindall gave a presentation (on file with City Clerk) of the proposed 6-unit apartment project located at 37093 Locust Street.

Mayor Nagy opened the public hearing at 7:57 p.m.

Stanley Cherry, property owner, stated that he agreed to the conditions.

In response to Council Member Bucci's comments regarding train traffic, Mr. Cherry stated that he would build a sound wall for this property, if needed.

Mayor Nagy closed the public hearing at 8:00 p.m.

In response to Council Member Bucci, Assistant City Manager Grindall stated that if the rail traffic creates noise above the City standard, then a wall will be required. Mr. Cherry is responsible for his section for the sound wall, the rail operator would be responsible for the remainder of the wall.

Council Member Bucci moved, Vice Mayor Hannon seconded to: 1) by resolution, approve, P-18-5, a planned development plan to allow construction of a 6-unit apartment project located at 37093 Locust Street (APN 92-125-10); and 2) introduce an ordinance establishing a Planned Development Overlay District at 37093 Locust Street (APN 92-125-10). The motion passed, 4 AYES, 1 RECUSED.

Council Member Freitas returned to the Council Chambers.

F. CITY MANAGER REPORT

Vice Mayor Hannon requested the removal of item F.2 for separate consideration.

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 and F.2 through F.5, 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 Authorization for the City Manager to sign a Bill of Sale for the sale of retired Police Service Canine Ares. RESOLUTION NO. 10827**
- F.3 Approval of plans and specifications, acceptance of bid and award of contract to G. Bortolotto & Company, Inc. for the 2018 Asphalt Concrete Street Overlay Program, Project 1179. MOTION APPROVED RESOLUTION NO. 10829 CONTRACT NO. 18023**
- F.4 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018-2019 for Capital Improvement Plan Budget Rollover. RESOLUTION NO. 10830**
- F.5 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, provide police services for traffic control and waive fees related to the parade and race, and waive fees for use of the Community Center and MacGregor Playfields, with the exception of the fees required for the building attendant and janitorial services. MOTIONS(3) APPROVED**

NONCONSENT

- F.2 Authorization for the City of Newark to accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant. RESOLUTION NO. 1082**

Vice Mayor Hannon thanked the Police Department for applying for the grant.

Vice Mayor Hannon moved, Council Member Collazo seconded, by resolution, to authorize the City accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant. The motion passed, 5 AYES.

- F.6 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for Tract 8417 – Sanctuary Village 1 (Arroyo Cap III, LLC), an 85-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard. RESOLUTION NO. 10831-10832 CONTRACT NO. 18024**

City Manager Becker requested that the City Council consider items F.6 through F.8 concurrently since they are all related to the Sanctuary Village Project. The City Council agreed.

Assistant City Manager Grindall gave a presentation (on file with City Clerk) recommending approval. He noted that the Waiver request would result in larger front yards for some of the odd shape lots.

Council Member Freitas moved Council Member Collazo seconded to by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8417 – Sanctuary Village 1, an 85-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-004, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8417 – Sanctuary Village 1. The motion passed, 5 AYES.

- F.7 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for Tract 8419 – Sanctuary Village 3 (KB Sanctuary, LLC), a 97-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard. RESOLUTION NO. 10833-10834 CONTRACT NO. 18025**

Council Member Freitas moved Council Member Collazo seconded to, by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8419 –

Sanctuary Village 3, a 97-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-003, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8419 – Sanctuary Village 3. The motion passed, 5 AYES.

- F.8 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for for Tract 8420 – Sanctuary Village 4 (KB Sanctuary, LLC), a 96-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard.**
- RESOLUTION NO. 10835-10836**
CONTRACT NO. 18026

Council Member Freitas moved Council Member Collazo seconded to by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8420 – Sanctuary Village 4, a 96-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-003, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8420 – Sanctuary Village 4. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that this was the last meeting before the August recess.

Council Member Bucci wished his father a Happy Birthday. He stated that Jolie Macias was the first female cross fit champion. Chyna Cho of the local cross fit gym has qualified to participate in this year's competition.

Council Member Freitas complimented the new civic center sign and thanked the residents for passing Measure GG.

In response to Council Member Freitas, Public Works Director Fajeau stated that the traffic control on Cedar Boulevard will be coming down by next week. The majority of the work is complete; however, permission from the SFPUC is pending for the remainder of the improvements.

Council Member Collazo encouraged everyone to participate in National Night Out, attend the next Music at the Grove concert, and shop Newark.

Vice Mayor Hannon commended Administrative Services Director Woodstock on her outstanding work.

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

K. ORAL COMMUNICATIONS

Daniel Roberts requested that the City adopt an ordinance that requires outdoor cooks to install systems to prevent smoke from drifting into their neighbors' property. He cited particulate matter in the smoke causing health issues and landscaping covered with soot.

Chris Moylan, District Director for Congressman Khanna, thanked Mayor Nagy and City Manager Becker for helping them find a town hall location after the previous location revoked permission.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 115026 to 115159.

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

M. CLOSED SESSIONS

City Attorney Benoun stated that after the agenda was posted, the need to take action on the following matter arose:

Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) for People of the State of California v. Residential Funding Company, et al. Alameda County Superior Court, Case Number HG17885734.

City Attorney Benoun stated that the Brown Act allows the item to be added to the agenda if two-thirds of the City Council determines that the need to take action arose subsequent to the agenda being posted and votes to add it to the agenda.

Vice Mayor Hannon moved, Council Member Collazo seconded to add to the Closed Session to the agenda as item M.3. The motion passed, 5 AYES.

- M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) *Roderick Hogan v. City of Newark, et. al* Workers Compensation Appeals Board, Case Numbers: ADJ10421980; ADJ11119563.**
- M.2 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: One case.**
- M.3 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) for People of the State of California v. Residential Funding Company, et al. Alameda County Superior Court, Case Number HG17885734.**

At 8:42 p.m. the City Council recessed to a closed session.

At 8:50 p.m. the City Council convened in closed session.

At 9:25 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9:25 p.m.