



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, February 14, 2019

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of January 24, 2019.

MOTION APPROVED

Council Member Hannon moved, Council Member Bucci 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 Eagle Scouts Matthew Jacobs, Arsh Hothi, and Shray Khanna.

Mayor Nagy presented commendations to Mission Peak District of the Boy Scouts of America, Troop 186 members: Matthew Jacobs, Arsh Hothi, and Shray Khanna. Each of them has been awarded the rank of Eagle Scout.

C.2 Introduction of employee.

Mayor Nagy introduced Sofia Mangalam, who was promoted to Senior Planner.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Hannon requested the removal of item F.4 for separate consideration.

Council Member Bucci moved, Council Member Hannon seconded, to approve Consent Calendar Items F.1 through F.3 and F.5 through F.7, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.1 Second reading and adoption of an ordinance to amend Newark Municipal Code Chapter 6.28 Regulations - Generally to address shelter, food and water requirements for animals kept outside. ORDINANCE NO. 511**
- F.2 Second reading and adoption of an ordinance to establish a Planned Development Overlay District at 36304 to 36310 Newark Boulevard for Classics at Newark nine single family homes project. ORDINANCE NO. 512**
- F.3 Second reading and adoption of an ordinance for a rezoning of a 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) and rezoning of a 5-acre site from Business and Technology Park (BTP) to Park (PK) for property located west of Hickory Street and Enterprise Drive. ORDINANCE NO. 513**
- F.5 Approval of the Used Oil Payment Program planned expenditures for fiscal years 2018-2019 and 2019-2020 and an amendment to the 2018-2020 Biennial Budget and Capital Improvement Plan. RESOLUTION NO. 10893**
- F.6 Approval of the recommendation from the Community Development Advisory Committee for allocation of anticipated Community Development Block Grant Jurisdiction Improvement Project funds for fiscal year 2019-2020. MOTION APPROVED**
- F.7 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan to include two position control adjustments for previously budgeted reclassifications in the Public Works Department. RESOLUTION NO. 10894**

NONCONSENT

- F.4 Initiation of proceedings and declaration of intention to order the formation of Zone 2 – Sanctuary of Landscaping and Lighting District No. 4 including an increase of the Maximum Assessment Rate, approval of the Preliminary Engineer’s Report, and setting an April 11, 2019 public hearing date. Change numbers for resolutions RESOLUTION NO. 10895**

Council Member Hannon requested that the method of apportionment description on page 3 of the Engineer’s Report highlight the City’s apportionment share as described later in the Engineer’s Report. He further requested that the City Manager notify the City Council if the Homeowners Association fails to maintain the medians.

Moved by Council Member Hannon, seconded by Council Member Freitas, to approve, by resolution: (1) initiate proceedings for the creation of Zone 2 – Sanctuary of Landscaping and Lighting District No. 4 and increase of Maximum Assessment Rate, (2) approve the Preliminary Engineer’s Report, with the revisions to Page 3 as requested at the meeting, (3) declare the intention to order the formation of Zone 2 – Sanctuary of the assessment district and to increase the Maximum Assessment Rate, and (4) set the Public Hearing date on April 11, 2019. The motion passed 4 AYES, 1 ABSENT.

- F.8 Second reading and adoption of an ordinance to establish a Planned Development Overlay District at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue for 10 single family homes. ORDINANCE NO. 514**

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

City Manager Benoun gave the report recommending approval.

Council Member Bucci moved, Council Member Hannon seconded to adopt the ordinance establishing a Planned Development Overlay District at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11). The motion passed, 3 AYES, 1 ABSENT (Collazo), 1 RECUSED (Freitas).

Council Member Freitas returned to the City Council Chambers.

- F.9 Approval of a Contractual Services Agreement with Vanir Construction Management, Inc. to provide professional construction managements services for the New Civic Center, Project 1188.**

City Manager Benoun stated this item would be rescheduled for a future meeting.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS****I.1 Appointments to the Community Development Advisory Committee.
RESOLUTION NO. 10896**

Mayor Nagy recommended the appointments of Lori Bogisich and Olga Borjon to the Community Development Advisory Committee.

Council Member Bucci moved, Council Member Hannon seconded to by resolution, approve the appointments of Lori Bogisich and Olga Borjon to the Community Development Advisory Committee. The motion passed, 4 AYES, 1 ABSENT.

Mayor Nagy wished everyone a Happy Valentine's Day.

Council Member Bucci requested that the City Council adjourn the meeting in honor of his grandfather James Joseph Bucci, who died Monday night. The City Council extended their condolences to the Bucci family.

Council Member Hannon stated that Stopwaste.org has a recycling tool on their website that he suggested linking to the City website. He thanked Officer Lenz who took his nephew on a ride along. Council Member Hannon complimented Mayor Nagy's presentation at the Alameda County Mayor's Conference.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**K. ORAL COMMUNICATIONS****L. APPROPRIATIONS****Approval of Audited Demands.****MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 116716 to 116907.

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

M. CLOSED SESSION

- M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Valencia et al. v. City of Newark et al.; United States District Court, Northern District of California, Case No. 4:16-CV-04811-SBA.**

At 8:02 p.m. the City Council recessed to a closed session.

At 8:08 p.m. the City Council convened in closed session.

At 8:53 p.m. the City Council reconvened in open session.

Interim City Attorney Kokotaylo reported that because final approval rests with another party to the litigation or with the court, no action can be reported at this time. If settlement becomes final, then the City will disclose the action that was taken upon inquiry by any party.

N. ADJOURNMENT

At 8:53 p.m. Council Member Hannon moved, Council Member Freitas seconded, to adjourn the regular City Council meeting in memory of James Joseph Bucci. The motion passed, 4 AYES, 1 ABSENT.