



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

City Administration Building
5:30 p.m. Budget Work Session
Council Chambers
7:30 p.m. Regular City Council Meeting
Council Chambers

MINUTES

Thursday, February 28, 2008

A. ROLL CALL

Mayor Smith called the meeting to order at 7:34 p.m. Present were Council Members Nagy, Freitas, Huezo, and Vice Mayor Apodaca.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 14, 2008. **MOTION APPROVED**

Council Member Nagy moved, Council Member Huezo seconded, to approve the Minutes of the regular City Council meeting of Thursday, February 14, 2008. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Proclaiming March 2008 as American Red Cross Month in Newark.

Mayor Smith read and presented the proclamation to Douglas Wong of the American Red Cross.

C.2 Presentation of Small Learning Communities.

Ellen Howerton of the Newark Unified School District gave a presentation on the Small Learning Communities Program. The Small Learning Communities Program is a collaborative program to help students learn at high levels.

D. WRITTEN COMMUNICATIONS

D.1 Advice of Action Taken by the Planning Commission (Section 17.72.080B Newark Municipal Code) to deny an extension of a conditional use permit (U-90-44) and a planned unit development (P-91-13) for an existing auto wrecking yard (Ace Auto Wreckers) at 7580 Mowry Avenue, and receipt of Notice of Planning Commission Decision.

Community Development Director Grindall gave the staff report.

At its meeting of February 12, 2008, the Planning Commission denied the applicant's request. The applicant has not appealed this decision.

Staff recommends that the Council not call up for review the action of the Planning Commission. Not calling up for review the Commission action would mean, as stipulated in the Planning Commission resolution, that the property owner has three months to close the business and vacate the property.

There was no action taken on this informational report and the action of the Planning Commission stands.

D.2 Advice of Action Taken by the Planning Commission (Section 17.72.080B Newark Municipal Code) to deny an extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue, and consideration of an appeal of the Planning Commission's denial of an extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue, and receipt of Notice of Planning Commission Decision .

MOTION APPROVED

Community Development Director Grindall gave the staff report.

At its meeting of February 12, 2008, the Planning Commission, unanimously, denied the applicant's request. Reasons cited for denying the application included the auto wrecking yard's: incompatibility with the subject site's current and future zoning, incompatibility with the site's General Plan Land Use, inhibiting the orderly implementation of the planned General Plan land uses, and inconsistency with several General Plan policies.

On February 20, 2008, an appeal of the Planning Commission's denial was filed. Staff recommended that the City Council set the matter for a public hearing at the Council's April 10, 2008, meeting.

Council Member Huevo moved, Council Member Nagy seconded, to set the extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue for a public hearing with the City Council at the Council's April 10, 2008, meeting. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

- E.1 Cancellation of hearing to consider an extension of a conditional use permit (U-90-44) and a planned unit development (P-91-13) for an existing auto wrecking yard (Ace Auto Wreckers) at 7580 Mowry Avenue.**

MOTION APPROVED

City Manager Becker gave the staff report recommending canceling the public hearing.

Council Member Huezo moved, Vice Mayor Apodaca seconded, to cancel the public hearing to consider an extension of a conditional use permit (U-90-44) and a planned unit development (P-91-13) for an existing auto wrecking yard (Ace Auto Wreckers) at 7580 Mowry Avenue. The motion passed, 5 AYES.

- E.2 Cancellation of hearing to consider an extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue.**

MOTION APPROVED

City Manager Becker gave the staff report recommending canceling the public hearing.

Council Member Huezo moved, Council Member Freitas seconded, to cancel the public hearing to consider an extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue.

F. CITY MANAGER REPORTS

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve Consent Calendar Items F.1 through F.3. The motion passed, 5 AYES.

CONSENT

- F.1 Acceptance of work with Calstate Construction, Inc., for Senior Center Expansion, Project 843.**

RESOLUTION NO. 9426

- F.2 Approval of the 2007-2008 Pavement Maintenance Program and authorization to advertise for bids for 2008 Street Patch Paving Program, Project 874; 2008 Street Asphalt Concrete Overlay Program, Project 875; and 2008 Street Slurry Seal Program, Project 876.**

MOTION APPROVED

- F.3 Initiation of the 2008 Weed Abatement Program and setting a date for a public hearing.**

RESOLUTION NO. 9427

G. CITY ATTORNEY REPORTS

H. REDEVELOPMENT AGENCY

I. ECONOMIC DEVELOPMENT CORPORATION

J. COUNCIL MATTERS

- J.1** Mayor Smith announced that he would adjourn the meeting in memory of Jerry Raber. The entire City Council extended their condolences to the Raber family.

K. ORAL COMMUNICATIONS

- K.1** Janet Drews extended her condolences to the Raber family. Ms. Drews invited the City Council and the community to the Newark Chamber of Commerce 4th Annual Community Western BBQ at the Newark Pavilion on April 4, 2008.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 78443 to 78547, 78548 to 78549, 78550 to 78642, 78643 to 78649.

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

M. CLOSED SESSION

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation: One case.

At 8:15 p.m. the City Council recessed to a closed session.

At 8:25 p.m. the City Council convened in closed session.

At 9:17 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 9:17 p.m. Council Member Nagy moved, Council Member Freitas seconded, to adjourn the regular City Council meeting of Thursday, February 28, 2008, in memory of Jerry Raber. The motion passed, 5 AYES.

SHEILA HARRINGTON
City Clerk