



CITY OF NEWARK CITY COUNCIL

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

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

Minutes

Thursday, January 10, 2019

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:31 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of December 13, 2018. MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced: Maintenance Superintendent Tonya Connolly, General Laborer Thomas Curtis, General Laborer Gabriel Bedolla, and Administrative Support Specialist II Mirna Padilla.

C.2 Presentation from the Alameda County Mosquito Abatement District.

District Manager Ryan Clausnitzer and Board Trustee Eric Hentschke provided an update on the District's activities.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 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 Approval to add one classification of Recreation Supervisor to the Compensation and Benefit Plan for City Officials, Management, Supervisory and Professional Employees. RESOLUTION NO. 10877**

- F.2 Acceptance of work with G. Bortolotto & Company, Inc. for Park Pathways Resurfacing for ADA Access, Projects 1109 and 1175. RESOLUTION NO. 10878**

- F.3 Approval of partial release and replacement of security bonds for Tract 8085, Bayshores Phase I (CDCG Group Holdings Bayshores LP and William Lyon Homes, Inc.), a 213-unit residential subdivision at 37555 Willow Street. RESOLUTION NO. 10879**

- F.4 Approval of partial release and replacement of security bonds for Tract 8310, Bayshores Phase II (CDCG Group Holdings Bayshores LP and William Lyon Homes, Inc.), an 86-unit residential subdivision at 37555 Willow Street. RESOLUTION NO. 10880**

- F.5 Authorization for the Mayor to sign an agreement with GHA/Nutanix Technology Solutions to provide new server hardware and virtualize the City and Police Department computer networks. RESOLUTION NO. 10881
CONTRACT NO. 19001**

NONCONSENT

- F.6 Adoption of an Urgency Ordinance of the City of Newark amending Chapter 12.08 of Title 12 of the Newark Municipal Code amending encroachment requirements relating to Small Cell Wireless Telecommunications Facilities to become effective immediately; and approval of a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities standard template and authorization for the City Manager to execute future agreements. URGENCY ORDINANCE NO. 510U
RESOLUTION NO. 10882**

Interim City Attorney Kokotaylo and Public Works Director Fajeau gave a presentation (on file with City Clerk) on the Federal Communications Commission (“FCC”) ruling that limits local government discretion over small cell deployments. The ruling requires access to City-owned poles for small cell installations and sets deadlines for local government decisions.

Staff recommended adoption of an urgency ordinance to require carriers to obtain an encroachment permit prior to deploying small cell wireless facilities and ancillary equipment in the public right-of-way. All work or use pertaining to the deployment, installation or location of small cell wireless facilities must conform with the Newark Municipal Code and the City’s administrative guidelines. Staff also recommended approval of a standard template for a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities to establish a regulatory framework that imposes licensing fees, deployment, construction, and removal requirements consistent with the FCC Order.

Council Member Bucci requested that staff look into the possibility of waiving fees with carriers in exchange for free wifi citywide.

Dante Williams, Verizon Wireless Small Cell Team, stated that the FCC Ruling speeds up the deployment of a 5G network. He requested that the City Council continue the fee discussion as they want to deploy the network broadly and found the fees to be problematic.

Council Member Hannon moved, Council Member Collazo seconded to adopt an Urgency Ordinance amending Chapter 12.08 of Title 12 of the Newark Municipal Code amending encroachment requirements relating to small cell wireless telecommunications facilities to become effective immediately, and, by resolution, approve a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities standard template and authorization for the City Manager to execute future agreements. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that the annual Martin Luther King, Jr. event would be held at the First Presbyterian Church this Sunday. He announced that the Newark Unified School District Board of Education appointed Mr. Bowen Zhang to the vacancy created by the resignation of Janet Crocker.

Council Member Freitas stated that a party was held for retiring City Manager Becker last night. He congratulated Mr. Becker on a well-deserved retirement.

Council Member Collazo stated that the Schilling School Parents would be hosting a health fair at the Newark Pavilion on Saturday.

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 116416 to 116531.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:48 p.m.

SHEILA HARRINGTON
City Clerk