



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, November 9, 2017

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the City Council meeting of October 26, 2017.

**MOTION APPROVED**

Vice Mayor Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Introduction of employees.

Mayor Nagy introduced newly hired Police Officers Marc Palacio, Jenna Quinonez, and Anthony Piquette.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

#### E.1 Public Hearing and tabulation of ballots for annexation of Tract 8098 to Zone 4 – Glass Bay Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer’s Report and the annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19.

**RESOLUTION NO. 10714**

Public Works Director Fajeau gave the staff report recommending approval if a majority protest does not exist after the ballots are tabulated.

Mayor Nagy opened the public hearing at 7:40 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:41 p.m.

City Clerk Harrington opened the ballot and announced that the property owner voted in favor of the special assessments.

Vice Mayor Bucci moved, Council Member Collazo seconded to, by resolution, approve the Final Engineer’s Report and approve the annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19. The motion passed, 4 AYES, 1 ABSENT.

**F. CITY MANAGER REPORT**

John Henneberry requested the removal of agenda item F.3 for separate consideration.

Council Member Collazo moved, Vice Mayor Bucci seconded, to approve Consent Calendar Items F.1 through F.2, that the resolutions and ordinance be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 4 AYES, 1 ABSENT.

**CONSENT**

- F.1 Introduction of an Ordinance amending Chapter 2.16 (Disaster Council) to conform with California Office of Emergency Services requirements; and (2) Adoption of a Resolution pertaining to Workers Compensation Benefits for Disaster Service Worker Volunteers.**

**INTRODUCTION OF ORDINANCE  
RESOLUTION NO. 10715**

- F.2 Approval of plans and specifications, acceptance of bid and award of contract to Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1114 and amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018.**

**MOTION APPROVED  
RESOLUTION NO. 10716  
CONTRACT NO. 17048**

**NONCONSENT**

- F.3 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8270 - Sanctuary, a large-lot subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard.**

**RESOLUTION NO. 10717**

**CONTRACT NO. 17049**

John Henneberry requested that the City Council vote no on this item and maintain the property as open space.

Council Member Hannon moved, Council Member Collazo seconded to, by resolution, approve the Final Map and Subdivision Improvement Agreement for Tract 8270 - Sanctuary, a large-lot subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard. The motion passed, 4 AYES, 1 ABSENT.

**NONCONSENT**

- F.4 Approval of solid waste collection and recycling services maximum rates for 2018 with an increase of 3.9% over 2017 and approval of the Second Amendment to the Franchise Agreement to establish a Commercial Organics Collection Program.**
- RESOLUTION NO. 10718**  
**CONTRACT NO. 13002**

Administrative Services Director Woodstock stated that the franchise agreement with Republic Services allows for annual rate adjustments. For 2018 a maximum of 3.9 percent was recommended. She noted that an organics collection program would be added as a service option for commercial customers

Council Member Hannon requested that the City newsletter include an article on this matter in the future.

In response to Diane Bonbright's questions, Administrative Services Director Woodstock stated that the organics program would be available to schools and there was not a rate reduction for residents who choose to have two recycling containers.

Council Member Hannon moved, Council Member Collazo seconded, by resolution, to establish the maximum limit for rates for solid waste collection and recycling services for Calendar Year 2018 and direct the Mayor to sign the Second Amendment to the Franchise Agreement to add Commercial Organic Collection Services. 4 AYES, 1 ABSENT

In response to Vice Mayor Bucci, Emily Phillips of Republic Services stated that the recycling fee for the second recycling container reflected the true cost of the service. She suggested that residential customers consider a smaller trash container.

**G. CITY ATTORNEY REPORTS****G.1 Claim of Allstate Insurance.****MOTION APPROVED**

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

Vice Mayor Bucci moved, Council Member Hannon seconded to, by motion, deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

**I.1 Reappointment of Bernie Nillo to the Planning Commission.**

**RESOLUTION NO. 10719**

Mayor Nagy stated that Planning Commissioner Bernie Nillo's term will expire in December. He recommended a four year reappointment.

Council Member Hannon moved, Council Member Collazo seconded to, by resolution, approve the reappointment of Bernie Nillo to the Planning Commission, for a term to expire on December 31, 2021. The motion passed, 4 AYES, 1 ABSENT.

Council Member Collazo stated that she was grateful for her blessings and completed her Christmas shopping. She wished everyone a Happy Thanksgiving.

Council Member Hannon recognized a county program that saves money in an escrow account for low income tenants. Their rent stayed the same and the difference was placed in the escrow account that they received after a five year period.

Mayor Nagy stated that a new Veterans Memorial would be dedicated at Veterans Memorial Park in Union City on Saturday. Vice Mayor Bucci commended Union City for the Memorial and shared details on the ceremony.

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

**K. ORAL COMMUNICATIONS**

Diane Bonbright stated a cat was trapped and relocated by a neighbor who admitted to the actions. She requested that the City Council have the neighbor show them where the cat was placed and adopt an ordinance prohibiting traps.

John Henneberry expressed his displeasure with City leadership, the Police Department, City retirees, and executive compensation.

**L. APPROPRIATIONS****Approval of Audited Demands for the City Council meeting of November 9, 2017. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 112687 to 112803.

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

**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: 2****M.2 Conference with Labor Negotiator  
Government Code Section 54957.6  
Agency Designated Representative: Mayor Nagy  
Unrepresented employee: City Attorney**

At 8:19 p.m. the City Council recessed to closed sessions.

At 8:34 p.m. the City Council convened in closed sessions.

At 9:40 p.m. the City Council reconvened in open session with all Council Members present.

City Attorney Benoun announced for item M.1, that although the Brown Act expressly authorizes withholding of otherwise public information upon initiation of litigation [See Cal. Gov. Code Section 54957.1(a)(2)], the Newark City Council would like to release the following information in the interests of full transparency:

Since July of this year, Newark Police have been actively investigating over a dozen individuals for drug related crimes at a residence located at 6559 Normandy Drive. In the past few months, Newark Police have authored 24 reports, taken 12 individuals into custody on non-citable offenses, and issued 10 citations. On a 4-0 vote with Councilmember Freitas absent, the Newark City Council authorized initiation of legal action against the occupants inside the property as well as all legal entities that may have a recorded interest against the property. The legal action includes a request for appointment of a Receiver under Health and Safety Code Section 17980 et seq., as well as civil prosecution under the Drug House Abatement Act (Cal. Health and Safety Code Section 11570 et seq.).

City Attorney Benoun announced that there was no reportable action for item M.2.

**N. ADJOURNMENT**

At 9:40 p.m., Mayor Nagy adjourned the City Council meeting.