



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, January 9, 2020

### A. ROLL CALL

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

### B. MINUTES

### C. PRESENTATIONS AND PROCLAMATIONS

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider an Appeal of the Planning Commission denial of a Minor Use Permit for a 10-foot tall, electrified perimeter fence at 6565 Smith Avenue. **RESOLUTION NO. 11015**

City Manager Benoun stated that Interim City Attorney Kokotaylo served as legal counsel to staff for the application and would step down from the dais. Outside counsel Jennifer Faught joined the dais to serve as legal counsel to the City Council.

Deputy Community Development Director Interiano gave the staff report recommending denial of the application.

Mayor Nagy opened the public hearing at 7:37 p.m.

Keith Kaneko of Electric Guard Dog, LLC gave a presentation in support of the electrified fence at Equipment Share (On file with the City Clerk). Mr. Kaneko stated his opinion that Municipal Code section 17.17.040 B Materials allowed the fence. He stated his opinion that the Municipal Code sections cited by staff were inapplicable and requested that the City Council approve the Minor Use Permit.

Carlos Torres of Equipment Share, in response to City Council questions, stated that they requested an electrified fence to protect their equipment and deter criminals. He stated that they inspect the perimeter fence daily and have found sections cut out. He did not think other security measures would be effective for the property.

Mayor Nagy closed the public hearing at 8:10 p.m.

In response to City Council questions, Interim Police Chief Carroll stated that he reviewed the site and did not support an electrified fence. He cited safety concerns for first responders.

Council Member Bucci stated that he thought Municipal Code Section 17.17.040 B Materials was applicable and suggested that the electrified fence be placed two feet behind the existing fence.

Council Member Hannon moved, Council Member Freitas seconded to, by resolution, deny the appeal and uphold the Planning Commission's denial of U-19-8, a Minor Use Permit for a 10-foot tall electrified fence at 6565 Smith Avenue. The motion passed, 4 AYES, 1 NO (Bucci).

Ms. Faught stepped down from the dais, Interim City Attorney Kokotaylo rejoined the dais.

## **F. CITY MANAGER REPORTS**

Council Member Hannon moved, Council Member Collazo seconded, to approve Consent Calendar Item F.1 that reading of the title suffice for adoption of the resolution. The motion passed, 5 AYES.

## **CONSENT**

- F.1 Approval of a Second Amendment to a Contractual Services Agreement with Management Partners for Community Development, Human Resources and Financial Consulting Services. RESOLUTION NO. 11016**

## **NONCONSENT**

- F.2 Consideration of recommendations to the Alameda County Waste Management Authority (WMA) Board regarding a potential Reusable Food Ware Ordinance. MOTION APPROVED**

Council Member Collazo stated that she would recuse herself from participation because she owns the Mexico Tortilla Factory and they have single use plastic utensils. Council Member Collazo exited the City Council Chambers.

Public Works Director Fajeau stated that Alameda County Waste Management Authority (WMA) Board sought feedback on a potential ordinance that would eliminate single use food ware. City Staff recommended the following feedback:

- A countywide model ordinance appears to be the most beneficial option because it provides a consistent approach for all jurisdictions and allows StopWaste to take the primary lead for technical assistance, outreach/promotion, and enforcement measures. Where possible, flexibility should be built into the countywide ordinance.
- Requiring reusable food service ware for all dine-in establishments and for any single-use food ware to be BPI-certified compostable fiber and only available upon request are ordinance elements the City should consider the relative costs and challenges to affected local business owners. Also, there should be sufficient flexibility to phase-in these elements over reasonable timeframes for businesses.
- A thorough economic analysis of a countywide ordinance should be completed in advance of proposed ordinance adoption and any contribution of additional resources from member agencies.
- Given that the impacts associated with full implementation and enforcement of SB 1383 are still uncertain, it is difficult for the City to definitively identify the cumulative impact on resources of an additional local ordinance for Reusable Food Ware. Significant resource impacts are anticipated, though not yet quantified for both SB 1383 and any ordinance for Reusable Food Ware. The costs for these impacts will ultimately have to be borne by the consumer.

Council Member Hannon moved, Council Member Bucci seconded to, by motion, approve the recommendations, as presented by staff, to the Alameda County Waste Management Authority (WMA) Board regarding a potential Reusable Food Ware Ordinance. The motion passed, 4 AYES, 1 RECUSED (Collazo).

Council Member Collazo returned to the City Council Chambers.

## **G. CITY ATTORNEY REPORTS**

## **H. ECONOMIC DEVELOPMENT CORPORATION**

## **I. CITY COUNCIL MATTERS**

Mayor Nagy announced that they would adjourn the meeting in memory of Mel Nunes, the city's first recreation director. The entire City Council extended their condolences.

Council Member Bucci stated his support for the safety of police and fire employees. He noted that he spoke in favor of Urban Shield funding before the Alameda County Board of Supervisors and invited his colleagues to join him at future meetings.

Council Member Collazo shared her experience, as a business owner, with reusable bags and the reporting regulations that were eventually eliminated.

**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 119705 to 119826.

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

**M. CLOSED SESSION**

**N. ADJOURNMENT**

The Mayor adjourned the meeting at 8:52 p.m. in memory of retired Recreation Director Mel Nunes.

SHEILA HARRINGTON  
City Clerk