



# CITY OF NEWARK CITY COUNCIL

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**Various Virtual  
Teleconference Locations  
7:30 p.m.**

## Minutes

Thursday, May 28, 2020

### A. ROLL CALL

Mayor Nagy called the meeting to order at 7:34 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci. All participated via teleconference.

### B. MINUTES

#### B.1 Approval of Minutes of the City Council meetings of May 14, 2020.

**MOTION APPROVED**

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

### C. PRESENTATIONS AND PROCLAMATIONS

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider property owners' objections to the 2020 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances.

**MOTION APPROVED**

City Manager Benoun gave the staff report recommending approval.

Mayor Nagy opened the public hearing.

There was no public testimony.

Mayor Nagy closed the public hearing.

Council Member moved Freitas, Council Member Bucci seconded to, by motion, act upon any objections by property owners to the 2020 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances. The motion passed, 5 AYES.

**E. 2 Hearing to consider an Appeal of the Planning Commission’s decision to approve a Conditional Use Permit to allow Fitness 19, a physical fitness center located at 6203 Jarvis Avenue (APN: 537-521-37).**

**RESOLUTION NO. 11058**

City Manager Benoun stated that outside legal counsel Jennifer Faught was available for any City Council questions. Interim City Attorney Kokataylo advised staff on this matter.

Deputy Community Development Director Interiano gave the presentation (on file with City Clerk) recommending that the City Council uphold the decision of the Planning Commission. He noted that the City Council received a memo in the afternoon with minor edits to the resolution and correspondence from Mr. Nguyen, Mr. Rodgers, and Mr. Sanders (memo on file with City Clerk).

Mayor Nagy opened the public hearing.

Long Van Nguyen, Appellant, stated that Fitness 19 was a significant recreational use, which the shopping center was not designed for. He stated that it would be disruptive, that the CEQA exemption did not apply and that the parking review was inadequate. He stated that the tenants object to this project and that the adverse health conditions should be reviewed again in a post corona virus world.

Mitchell Gardner, on behalf of the Applicant Fitness 19, stated that they agreed with staff’s recommendation to approve the project and agreed with the conditions of approval. He stated that Fitness 19 has confirmed their commitment to the project. He requested that the City Council deny the appeal.

In response to Council questions, Mr. Gardner stated that Fitness 19 employees would park in appropriate locations. Mr. Nguyen explained how the Anytime Fitness approval was processed with the CCRs for the shopping center.

Matt Morales, Anytime Fitness owner, requested that the City Council deny the conditional use permit. He stated that Fitness 19 would be much larger and would put Anytime Fitness out of business.

Rick Bowles stated that the property owner was assured by previous City Staff that if they brought in a grocery store, they would be allowed to bring in a fitness facility. He requested that the City Council deny the appeal.

Mayor Nagy closed the public hearing.

Council Member Bucci moved, Council Member Hannon seconded to adopt a resolution upholding the decision of the Planning Commission approving Conditional Use Permit (U-20-1), subject to conditions of approval. The motion passed, 5 AYES.

**F. CITY MANAGER REPORTS**

Council Member Freitas, Council Member Bucci 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 Removal of the voter registration requirement for City appointed Boards, Commissions, and Committees members.      ORDINANCE INTRODUCTION  
RESOLUTION NO. 11059**
- F.2 Award an Agreement and Authorization for the City Manager to execute an agreement with the *Tri-City Voice* for legal advertising services for Fiscal Year 2020-2021.      RESOLUTION NO. 11060**
- F.3 Acceptance of work with Bond Blacktop, Inc. for the 2019 Street Slurry Seal Program, Project 1228.      RESOLUTION NO. 11061**
- F.4 Acceptance of work with Pavement Coatings Company for the 2018 Street Slurry Seal Program, Project 1180.      RESOLUTION NO. 11062**
- F.5 Approval of partial release of security bonds for Tract 8208 (Continental Residential, Inc.).      RESOLUTION NO. 11063**

**NONCONSENT**

- F.6 Presentation by Godbe Research on the results of public opinion research assessing community interest for an extension of the existing City of Newark Utility Users Tax and direction regarding same.      MOTION APPROVED**

Bryan Godbe, Godbe Research, presented the public opinion results on the extension of the Utility Users Tax. The research indicated up to two-thirds support, of those surveyed, in extending the Utility Users Tax. (Presentation on file with City Clerk.)

Council Member Hannon moved, Council Member Collazo seconded to, by motion, accept the results of the public opinion polling and provide direction to staff regarding an extension of the existing City of Newark Utility User Tax to address the projected operating budget deficit. The motion passed, 5 AYES.

**F.7 Adoption of a Resolution authorizing a one-time exception to the systematic decrease in the maximum allowable number of safe and sane fireworks booths permits as a result of the COVID-19 pandemic.**

**RESOLUTION NO. 11064**

City Manager Benoun gave the staff report recommending approval.

City Clerk Harrington stated that a letter in support of the one-time exception was received from Dennis C. Revell, Revell Communications, on behalf of American Promotional Events, Inc. (TNT Fireworks) and was forwarded to the City Council before the meeting.

City Clerk Harrington read an email into the record from Chuck Kennedy, President of the Board of Directors for the League of Volunteers in support of the exception.

Council Member Collazo moved, Council Member Bucci seconded to, by resolution, authorize a one-time exception to the systematic decrease in the maximum allowable number of safe and sane fireworks booth permits as a result of the COVID-19 pandemic. The motion passed, 5 AYES.

**F.8 Oral Update on the City's response to the COVID-19 Local Emergency.**

City Manager Benoun gave the update. He noted that staff is reviewing guidelines and will be offering Summer Day Camp starting in the middle of June. Staff is also continuing food distribution events.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

Mayor Nagy commended City staff for the food distribution and shelter in place outreach efforts. He also commended the City Council for their commitment and dedication during the pandemic

Council Member Freitas thanked Mayor Nagy for his leadership.

Council Member Collazo stated that the city has many heroes and noted that Channel 2 honored Mr. Kelmer 5<sup>th</sup> grade teacher for Kennedy Elementary School. She encouraged residents to complete the census and that help was available at Magnolia Plaza. Shop Newark.

Council Member Bucci commended staff for taking on new responsibility and shared Recreation Supervisor Nick Cuevas work on the food distribution program as an example. He also thanked the Newark girls' softball league who sponsored a free lunch at O'Sullivan's. He stated that social distancing and masks were still important.

Council Member Hannon commended Council Member Collazo for encouraging people to complete the Census.

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

**K. ORAL COMMUNICATIONS**

No one requested to speak.

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 121000 through 121152.

Council Member Collazo 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 9:14 p.m.

SHEILA HARRINGTON, City Clerk