



CITY OF NEWARK CITY COUNCIL

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

AGENDA

Thursday, September 26, 2019

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of September 12, 2019.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Public Safety Clerk Trevor Ware and Vehicle Abatement Officer Veronica Mora of the Police Department will be at the City Council meeting to be introduced to the City Council.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Second reading and adoption of an ordinance to amend Title 17 (Zoning) of the Newark Municipal Code to revise sections: 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020, 17.13.040(B), 17.26.090(E) and 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards – from Acting Community Development Director Interiano.
(ORDINANCE)**

Background/Discussion – On September 12, 2019, staff recommended that the Zoning Code be amended to make the regulations clearer and more effective. These changes will improve project designs, improve customer service, minimize confusion, and save staff time. The proposed changes are summarized in the table below.

| Subject | Zoning Section | Proposed Change |
|---|--|---|
| Guesthouse | <i>17.07.020 (Table) and 17.26.280</i> | Reintroduce standards. Unintentionally removed during 2018 overhaul of Zoning Ordinance. |
| Government Offices | <i>17.07.020 (Table)</i> | Add Use to Residential Medium Density (RM) and Residential High Density (RH) zoning districts |
| Public Safety Facilities | <i>17.07.020 (Table)</i> | Change to Permitted Use in RM and RH zoning districts instead of conditional use permit |
| Lodging House | <i>17.07.020 (Table)</i> | Add as Permitted use in Zoning Tables to be consistent with definition. |
| Landscape Standards | <i>17.07.030 (Table)</i> | Clarify that 25% landscaping along right-of-way only applies to single family Zoning districts. |
| Pedestrian Walkways | <i>17.07.040(D)(5)</i> | Reduce the walkway width to 4 feet instead of 6 feet. |
| Single Family Design Guidelines | <i>17.07.040(E)</i> | Adding reference to guidelines. Existing guidelines have been in effect since 2007. |
| Tutoring Center and Instructional Service | <i>17.08.020 (Table)</i> | Add distance separation between uses of 300 feet within Commercial Mixed Use (CMU), Commercial Retail (CR), Neighborhood Commercial (NC), Community Commercial (CC), and Regional Commercial (RC) zoning districts. |
| Form-Based Code | <i>17.13.040(B)</i> | Change distance separation of buildings in the Form Based Code from 16 feet to 19 feet. for better spatial design |
| Large Family Daycare | <i>17.26.090(E)</i> | Establish a notification and appeal process to the surrounding neighbors within 200 feet. |

The City Council agreed with the proposed amendments and introduced an ordinance at the September 12, 2019, City Council meeting. A second reading of the ordinance is required before adoption.

Attachment - Ordinance

Action - Staff recommends that the City Council, waive further reading and adopt the ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise sections 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020,

17.13.040(B), 17.26.090(E) and 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards.

F.2 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2019-2020 for Capital Improvement Plan Budget Rollovers – from Finance Manager Lee. (RESOLUTION)

Background/Discussion – As a part of the fiscal year-end process, staff reviews the City’s unspent appropriations of the fiscal year that just ended, along with the City’s spending plans. As the new budget year begins, it is necessary to bring forward the unspent appropriations in the approved Capital Improvement Plan (CIP).

During the annual review of capital projects for the Fiscal Year 2019-2020, a need has been identified to amend the 2018-2020 Biennial Budget and Capital Improvement Plan. The Fiscal Year 2018-2019 appropriations have lapsed at year-end and projects that are ongoing or works in progress need to be re-appropriated for the Fiscal Year 2019-2020.

The capital budget amendments include rollovers totaling \$85,481,500 of previously approved capital projects appropriations, including streets and roadway projects, street trees and landscape maintenance projects, and the New Civic Center project. This amount is projected based on the estimated costs to complete the approved capital projects.

Exhibit A outlines all capital projects that require rollover of appropriations from Fiscal Year 2018-2019 to Fiscal Year 2019-2020.

Attachments – Resolution, Exhibit A

Action – Staff recommends that the City Council, by resolution, amend the 2018-2020 Biennial Budget and Capital Improvement Plan for the Fiscal Year 2019-2020 Capital Improvement Plan Rollover.

NONCONSENT

F.3 Authorization for the City of Newark to accept \$750,000 in funding from the State of California to be used for car break-in prevention efforts – from Police Captain Arguello. (RESOLUTION)

Background/Discussion – Over the past several years, a surge in “smash and grab” thefts from vehicles parked in hotel, movie, restaurant, and shopping center parking lots have plagued cities across the Bay Area. The City of Newark experienced a 133% increase in the number of car break-ins from 2014 to 2017. There was a slight decrease in 2018; however in 2019, current data suggests that the City is on track to eclipse our five-year high of 632 incidents by nearly 30%.

To date, the Newark Police Department has made several concerted efforts to address this regional problem, including:

- Initiating partnerships with local business groups such as the Chamber of Commerce and providing public education presentations to community groups;
- Directing officers to provide high visibility patrols of shopping centers and other parking lots that have shown a high incidence of break-ins while balancing other areas of community concerns such as traffic safety;
- Collaborating with neighboring agencies through investigative efforts to identify and prosecute suspects; and
- Utilizing existing technology such as security cameras at area shopping centers to assist in the investigation of break-ins.

Due to the dramatic increase of this crime and how it affects citizens' quality of life, Assemblymember Kansen Chu requested State funding on behalf of the cities of Newark, Fremont, Santa Clara, San Jose, and Milpitas. Representatives from the Newark, Fremont, and Santa Clara Police Departments provided a presentation before the California State Assembly Subcommittee on Public Safety in support of this funding request. Each of the five cities was appropriated \$750,000 for Car Break-In Prevention per the Budget Act of 2019. This funding will facilitate a more regional law enforcement effort, enhance our ability to solve auto burglaries through technology and investigation, and prevent this crime from occurring through community education and outreach.

While the exact use of this funding has not been finalized, the Newark Police Department plans to combat this growing problem by:

1. Expanding community awareness and partnerships;
2. Adding analytical capabilities from which to base our policing efforts;
3. Procuring equipment and technology to enhance our ability to deter, as well as prevent, auto burglaries; and
4. Utilizing directed multi-agency resources to identify and prosecute these sophisticated criminal enterprise crews.

A budget amendment is necessary to accept the funds and place them in the appropriate accounts.

Attachment – Resolution

Action - It is recommended that the City Council, by resolution, authorize the City of Newark to accept \$750,000 in funding from the State of California in accordance with Assembly Bill 74, Chapter 23, Statutes of 2019, Item 5227-107-0001, Provision 1(d) for Car Break-In Prevention and amend the 2018-2020 Biennial Budget.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

(MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.