



CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

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

AGENDA Tuesday, March 24, 2015

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, March 10, 2015. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Amending the Planning Commission By-laws to: (1) establish a quorum as a majority of the Planning Commissioners; (2) establish a time limit in which to address the Planning Commission that is consistent with the time limit to address the City Council; (3) allow for regular Planning Commission meetings to be held other than in the Council Chambers if duly noticed; and (4) change the number of Commissioners required to amend, revise, or repeal the By-laws from four to a majority – from Assistant City Manager Grindall. (MOTION)

G.2 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st 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.

CITY OF NEWARK

PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

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

MINUTES

Tuesday, March 10, 2015

A. ROLL CALL

At 7:30 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Commissioner Bridges (personal). There are two vacancies.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, February 10, 2015.

Commissioner Nillo moved, Vice-Chairperson Aguilar seconded, to approve the Minutes of February 10, 2015. The motion passed 4 AYES, 1 ABSENT (Bridges).

B.2 Approval of Minutes of the regular Planning Commission meeting of Tuesday, February 24, 2015.

Commissioner Otterstetter moved, Chairperson Fitts seconded, to approve the Minutes of February 24, 2015. The motion passed 3 AYES, 1 ABSTENTION (Aguilar), 1 ABSENT (Bridges).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

- G.1 Proposal to amend the Planning Commission By-laws to: (1) establish a quorum as a majority of the Planning Commissioners; (2) establish a time limit of 5 minutes in which to address the Planning Commission; (3) allow for regular Planning Commission meetings to be held other than in the Council Chambers if duly noticed; and (4) change the number of Commissioners required to amend, revise, or repeal the By-laws from four to a majority.**

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Aguilar, ACM Grindall stated cost and logistical benefits would result from having five Planning Commissioners instead of seven.

Answering Chairperson Fitts, ACM Grindall stated this Item is on the March 12, 2015 City Council Agenda.

Chairperson Fitts commented that other Cities use technology such as Skype to participate in their Meetings which meets their quorum requirements.

ACM Grindall stated the City Council would be the determining body to implement that type of change.

ACM Grindall mentioned the current By-laws states the Planning Commission meetings must be held in the Council Chambers and reminded the Planning Commissioners that due to the large attendance at recent meetings, the By-laws needed to be changed to allow the flexibility to use more accommodating venues in the future.

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, to set March 24, 2015 as the date to consider amending the By-laws.

G.2 Report on City Council actions.

None.

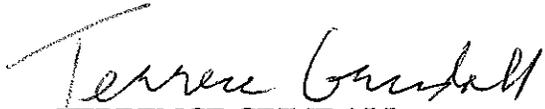
Commissioners' Comments

Chairperson Fitts congratulated Vice-Chairperson Aguilar on the birth of his daughter.

H. ADJOURNMENT

At 7:41 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, March 10, 2015.

Respectfully submitted,


TERRENCE GRINDALL
Secretary



- G.1 Amending the Planning Commission By-laws to: (1) establish a quorum as a majority of the Planning Commissioners; (2) establish a time limit in which to address the Planning Commission that is consistent with the time limit to address the City Council; (3) allow for regular Planning Commission meetings to be held other than in the Council Chambers if duly noticed; and (4) change the number of Commissioners required to amend, revise, or repeal the By-laws from four to a majority – from Assistant City Manager Grindall. TG (MOTION)**

Background/Discussion – On March 10, 2015, the Planning Commission expressed an interest in the By-laws to reflect changes to what constitutes a quorum, the time limit for people addressing the Commission, the location of meetings, and the number of Commissioners needed to amend, revise, or repeal the By-laws. At that meeting, the Planning Commission set March 24, 2015 as the date to formally consider amending the By-laws.

On March 12, 2015, the City Council moved to establish the maximum number of Planning Commissioners at five. With the election of former Planning Commissioner Hannon to the City Council and the recent passing of Commissioner Drews, the City of Newark Planning Commission has been operating with five Commissioners. These Commissioners have heard complex land use issues and provided balanced decisions and thoughtful recommendations to the City Council. The City Council reasoned that, though traditionally there have been seven sitting Commissioners, there is enough diversity and representation with five.

The current Planning Commission By-laws provide that “Four members of the Commission shall constitute a quorum for the purpose of conducting business.” With the recent change from seven to five Commissioners, three now constitutes a majority/quorum. As such, staff is recommending that the By-laws be amended to require that a quorum simply be “a majority” of the Planning Commissioners. This wording accommodates any future changes in the number of appointed Commissioners.

In addition to the issue regarding a quorum, the current time limit established to address the Commission is inconsistent with that of the City Council. Currently, a total of ten minutes is allowed to address the Commission. In order to be in-line with the Council’s time limits, staff is recommending the time allowed to address the Planning Commission be adjusted to be consistent with the time limit set to address the City Council. A provision already exists in the By-laws that allows for additional time if so granted by a majority of the Commission present.

With the recent Ruschin School site project, it became clear that there are instances when the Council Chambers may not be sufficient to hold the number of expected attendees. As the By-laws are written, all regular Planning Commission meetings are to be held in the Council Chambers. Staff recommends this section be amended to provide the flexibility to hold an off-site Commission meeting in the event a larger-than-capacity crowd is expected, as long as it is

properly noticed beforehand.

Lastly, the ability to amend, revise, or repeal the By-laws requires an affirmative vote of four members of the Commission. As with the quorum issue, this should be revised to require a majority vote of the Commissioners, whether there are five or seven.

If the Planning Commissions amends the By-laws, the revisions become effective at the next meeting.

Action – It is recommended that the Planning Commission, by motion, amend the Planning Commission By-laws, as shown on the attached Exhibit A, to: (1) establish a quorum as a majority of the Planning Commissioners; (2) establish a time limit in which to address the Planning Commission that is consistent with the time limit to address the City Council; (3) allow for regular Planning Commission meetings to be held other than in the Council Chambers if duly noticed; and (4) change the number of Commissioners required to amend, revise, or repeal the By-laws from four to a majority.

EXHIBIT A

Article 3 (Meetings), Section 3.01 (Place), Article 5 (Quorums), Section 5.0 (Quorum), Article 9 (Addressing the Commission), Section 9.02 (Manner of Addressing Commission; Time Limit), and Article 12 (Amendments), Section 12.00 (Amendments), of the City of Newark Planning Commission By-laws are hereby amended to read as follows (strikethrough denotes deletions, underline denotes additions):

SECTION 3.01 PLACE

All regular meetings of the Commission shall be held in the Council Chambers, 37101 Newark Boulevard, Newark, unless otherwise noticed.

SECTION 5.0 QUORUM

~~Four members~~ A majority of the Commission shall constitute a quorum for the purpose of conducting business

SECTION 9.02 MANNER OF ADDRESSING COMMISSION; TIME LIMIT

Each person addressing the Commission shall step up before the Commission, shall give his or her name and address in an audible tone of voice for the records, and unless further time is granted by a majority of Commission present, shall limit his or her address to ~~10 minutes~~ the time limit currently in effect to address the City Council. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than a Commissioner and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a Commissioner except through the presiding officer.

SECTION 12.00 AMENDMENTS

These by-laws may be amended, revised, or repealed by the affirmative vote of ~~four members~~ a majority of the Commission. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and may not then be voted upon until the next regular meeting.