

# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@Newark.org](mailto:city.clerk@Newark.org)

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

## AGENDA

**Thursday, November 13, 2014**

### CITY COUNCIL:

*Alan L. Nagy, Mayor*  
*Ana M. Apodaca, Vice Mayor*  
*Luis L. Freitas*  
*Sucy Collazo*  
*Robert Marshall*

### CITY STAFF:

*John Becker*  
*City Manager*  
  
*Terrence Grindall*  
*Assistant City Manager*  
  
*Susie Woodstock*  
*Administrative Services Director*  
  
*Sandy Abe*  
*Human Resources Director*  
  
*Peggy A. Claassen*  
*Public Works Director*  
  
*Jim Leal*  
*Police Chief*  
  
*David Zehnder*  
*Recreation and Community Services Director*  
  
*David J. Benoun*  
*City Attorney*  
  
*Sheila Harrington*  
*City Clerk*

**Welcome** to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

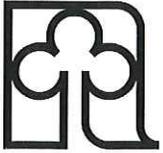
- |  |                                |
|--|--------------------------------|
| <b>A. ROLL CALL</b>                        | <b>I. COUNCIL MATTERS</b>      |
| <b>B. MINUTES</b>                          | <b>J. SUCCESSOR AGENCY</b>     |
| <b>C. PRESENTATIONS AND PROCLAMATIONS</b>  | <b>TO REDEVELOPMENT AGENCY</b> |
| <b>D. WRITTEN COMMUNICATIONS</b>           | <b>K. ORAL COMMUNICATIONS</b>  |
| <b>E. PUBLIC HEARINGS</b>                  | <b>L. APPROPRIATIONS</b>       |
| <b>F. CITY MANAGER REPORTS</b>             | <b>M. CLOSED SESSION</b>       |
| <b>G. CITY ATTORNEY REPORTS</b>            | <b>N. ADJOURNMENT</b>          |
| <b>H. ECONOMIC DEVELOPMENT CORPORATION</b> |                                |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless "none" follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at [www.newark.org](http://www.newark.org). Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission's action was on that particular item. **Action** indicates what staff's recommendation is and what action(s) the Council may take.

**Addressing the City Council:** You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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## AGENDA

Thursday, November 13, 2014

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, October 23, 2014. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

**C.1 Introduction of employees.**

**Background/Discussion** – Recently hired Public Works Department employees: General Laborer - Mike Mulhearn, Associate Civil Engineer - Raminder Bola, and Streets Maintenance Worker I - J.R. Mattos will be at the meeting to be introduced to the City Council.

**C.2 Proclaiming November 15-23, 2014, as National Hunger and Homelessness Awareness Week in Newark. (PROCLAMATION)**

**Background/Discussion** – The week of November 15-23, 2014, is National Hunger and Homelessness Awareness Week. Organizations across the country have scheduled events to bring greater understanding of the challenges that homeless individuals, families and children face daily. A proclamation has been prepared and a representative from Abode Services will be at the meeting to accept it.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

- E.1 Hearing to consider an Initial Study and Mitigated Negative Declaration; and an Architectural and Site Plan Review, to construct a new, approximately 145,408 square foot four-story self-storage warehouse at the southeast corner of Fircrest Street and Overlake Place (APN: 537-460-013) – from Assistant City Manager Grindall (RESOLUTIONS-2)**

**Background/Discussion** – Mr. Scott Mommer, on behalf of Public Storage, has submitted an application for a new self-storage warehouse at southeast corner of Fircrest Street and Overlake Place.

The proposed project includes the construction of a four-story self-storage warehouse at an approximately 3.06-acre vacant parcel of land south of State Route 84. The proposal is an expansion of an existing Public Storage warehouse located south of the subject site on an adjacent parcel. The site is a triangular shaped lot which is zoned MP (Industrial Park) and has a SI (Special Industrial) General Plan land use designation. One building would be constructed on four floors 145,408 square feet in size. Each floor would be approximately 36,350 square feet in floor area and would house individual personal storage areas rented to the public. Approximately 820 individual storage areas are proposed, with sizes of the individual units ranging from 5-feet x 5-feet to 10-feet x 30-feet. A loading area and storage units that would provide access from the parking lot through heavy roll-up doors are proposed along the northeastern wall. Each floor would include a lobby to provide access to storage units, corridors, elevators, and two stairwells. A retail sales office is proposed on the first floor near the building's main entrance. The facility would be staffed by two employees during its hours of operation of 6:00 a.m. to 9:00 p.m. seven days a week.

Vehicular access to the project site and to the adjacent property would be via an existing driveway along Fircrest Street. This driveway is within a 70-foot wide cross-access easement that will remain in place to provide dual access to the storage buildings. A total of 75 parking spaces are to be provided, including handicap-accessible stalls and one loading and unloading space. A 6-foot wide public sidewalk is proposed along both the Fircrest Street and Overlake Place frontages. A meandering sidewalk and a landscaped area would be provided along the Fircrest Street frontage.

The building is proposed to have a contemporary design with a façade consisting of silver and orange metal panels, aluminum frames, and either bright silver or weathered zinc color split-face masonry block. Glass would be provided on all of the building's elevations. In addition to exterior treatment variation, to further provide architectural interest, taller tower elements that break up the structure would be provided along the front entrance and on the building's corners. Mechanical systems for the building including heating, ventilation, and air conditioning equipment would be screened by a 5-foot plum-colored parapet. The Architectural and Site Plan Review is attached as Exhibit A.

#### **Environmental Analysis**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by Mr. Jerry Haag, Urban Planner. The analysis concluded that the proposal would not have a significant impact on overall environmental quality, including biological and cultural resources, with adherence to the mitigation measures. Two potential impacts were identified concerning air quality and hazardous materials; however they can be mitigated to a less than significant level as discussed in Section 3 and Section 8 of the Initial Study and Mitigated Negative Declaration and in the Mitigation Monitoring

Reporting Program (MMRP). The project would also not result in any short-term or cumulative traffic impacts. The review period for the IS/MND ended on October 6, 2014. Staff did not receive any letters from the public.

**Update** – At its meeting of October 14, 2014, the Newark Planning Commission approved Resolution 1890, making certain findings and recommending City Council approval of E-14-20, an Initial Study/Mitigated Negative Declaration; and approved Resolution 1891 recommending that the City Council approve ASR-14-19, an Architectural and Site Plan Review, with Exhibit A pages 1 to 15, to construct a new, approximately 145,408 square foot four-story self-storage warehouse at the southeast corner of Fircrest Street and Overlake Place (APN: 537-460-013).

### **Attachments**

**Action** – It is recommended that the City Council: (1) By resolution, make certain findings and adopting an Initial Study and Mitigated Negative Declaration for a self-storage facility (Public Storage) at 6800 Overlake Place; and (2) By resolution, approve ASR-14-19, an Architectural and Site Plan Review for a self-storage facility (Public Storage) at 6800 Overlake Place.

**E.2 Hearing to consider an Initial Study and Mitigated Negative Declaration; an Architectural and Site Plan Review, to construct a new, approximately 135,884 square foot three-story self-storage warehouse at 6649 Central Avenue (APN's: 092-0074-007; 092-0074-008) – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

**Background/Discussion** – Mr. Venkata Vemireddy, on behalf of 6649 Central Ave, LLC, has submitted an application for a new self-storage warehouse at 6649 Central Avenue.

The proposed project involves the construction of a three-story personal storage warehouse at an approximately 1.96-acre vacant parcel of land on the north side of Central Avenue west of the intersection of Central Avenue and Cherry Street. The site is an irregular shaped lot which is zoned CG (General Commercial) and has a LI (Limited Industrial) General Plan land use designation. One building would be constructed on three floors approximately 135,884 square feet in size. Each floor would be approximately 45,000 square feet in floor area and would house individual personal storage areas rented to the public. Approximately 853 individual storage areas are proposed, with sizes of the individual units ranging from 2.5-feet x 5-feet to 15.4-feet x 40-feet. Each floor would include a lobby, stairwells, and an elevator to provide access to the storage units. A managers/retail sales office is proposed on the first floor near the building's main entrance. The retail sales component includes the sale of materials such as boxes and tape. The facility would be staffed by three employees during the proposed operation hours of 9:00 a.m. to 5:00 p.m. Monday

through Saturday. Facility gates would be available to customers from 6:00 a.m. to 9:00 p.m.

Vehicular access to the project site would be via two driveways along Central Avenue. A total of eleven parking spaces would be provided, including one disabled-accessible stall. Although the Newark Municipal Code requires storage facilities to provide one parking space for each one thousand square feet of gross floor area, a parking demand analysis provided by the applicant based on industry data shows that self-storage facilities, although large in size, generate few vehicle trips per day and require a maximum average of five parking spaces. With the proposed provision of ten standard parking spaces, staff feels that the parking provided would be sufficient to accommodate the use.

The storage spaces would be accessed from drive aisles located next to the exterior doors, which are wide enough to allow customers to park and also allow other vehicles to pass. A meandering sidewalk would be provided along the project's frontage, and a disabled travel path would lead from the sidewalk to the sales office. Landscaping would be provided on either side of the six-foot wide sidewalk.

The building's exterior would be comprised of masonry block, plaster, and metal. Glass windows would surround the front entrance and faux windows would be provided on the second and third floors to aid in breaking up the large structure. Orange-color entry and roll-up warehouse doors would be provided on each elevation to complement the beige and brown earth color tones of the façade. The Architectural and Site Plan Review is attached as Exhibit A.

### **Environmental Analysis**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by Mr. Jerry Haag, Urban Planner. The analysis concluded that the proposal would not have a significant impact on overall environmental quality, including biological and cultural resources, with adherence to the mitigation measures. One potential impact was identified concerning air quality, however it can be mitigated to a less than significant level as discussed in Section 3 of the Initial Study and Mitigated Negative Declaration and in the Mitigation Monitoring Reporting Program (MMRP). The project would not result in any short-term traffic impacts and cumulative impacts are considered to be less than significant with the addition of only a few peak hour trips. The review period for the IS/MND ended on October 14, 2014. Staff did not receive any letters from the public.

**Update** – At its meeting of October 28, 2014, the Newark Planning Commission approved Resolution 1892, making certain findings and recommending City Council approval of E-14-31, an Initial Study/Mitigated Negative Declaration; and approved Resolution 1893 recommending that the City Council approve ASR-14-30, an Architectural and Site Plan Review, with Exhibit A pages 1 to 9, to construct a new, approximately 135,884 square foot three-story self-storage warehouse at 6649 Central Avenue (APN's: 092-0074-007; 092-0074-008).

**Attachments**

**Action** – It is recommended that the City Council: (1) By resolution, make certain findings and adopting an Initial Study/Mitigated Negative Declaration for a self-storage facility (Three Sixty Storage Center) at 6649 Central Avenue; and (2) By resolution, approve ASR-14-30, an Architectural and Site Plan Review for a self-storage facility (Three Sixty Storage Center) at 6649 Central Avenue.

**F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.4 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 Adopting a Compensation Plan for Certain Positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) Classifications; and Revoking Resolution No. 10,198 – from Human Resources Director Abe. (RESOLUTION)**

**Background/Discussion** – The Schedule of Part-time, Seasonal, and Temporary (PST) Classifications provides a list of hourly wage rates for PST positions. The Schedule is being amended to retitle the PST classification of Communications Operator to Public Safety Dispatcher to reflect the full scope of PST duties required and performed. The PST Public Safety Dispatcher hourly rate range is equivalent to the hourly salary range for regular part-time Public Safety Dispatchers.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, revoke Resolution No. 10,198 and adopt a Compensation Plan for certain positions in the Exempt Service Employee Group.

- F.2 Cancellation of the December 25, 2014, City Council meeting – from City Clerk Harrington. (MOTION)**

**Background/Discussion** – Newark Municipal Code Section 2.08.010 provides that when a regular meeting of the City Council falls on a day designated by law as a legal or national holiday, there shall be no meeting. The December 25, 2014, regular meeting falls on the Christmas holiday. Formally canceling the meeting will allow the City Clerk to notify the public in a timely manner.

**Attachment**

**Action** - It is recommended that the City Council, by motion, cancel the December 25, 2014, City Council meeting.

- F.3 Second reading and adoption of an ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code by exempting residential additions from the Housing Impact Fee – from City Clerk Harrington. (ORDINANCE)**

**Background/Discussion** – On October 23, 2014, the City Council introduced an ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code Section 17.18.030(B) (Housing Fee) and Section 17.18.040(D) (Damaged Property) exempting residential additions from the Housing Impact Fee.

**Attachment**

**Action** –Staff recommends that the City Council adopt an ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code Section 17.18.030(B) (Housing Fee) and Section 17.18.040(D) (Damaged Property) exempting residential additions from the Housing Impact Fee.

- F.4 Second reading and adoption of an ordinance amending amend Title 17 (Zoning), Section 17.44.010 of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500) for the Prima Project – from City Clerk Harrington. (ORDINANCE)**

**Background/Discussion** – On October 23, 2014, the City Council introduced an ordinance amending amend Title 17 (Zoning), Section 17.44.010 of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500). The zoning change is for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue.

**Attachment**

**Action** –Staff recommends that the City Council adopt an ordinance amending Title 17 (Zoning), Section 17.44.010 of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500).

**NONCONSENT**

- F.5 Approval of solid waste collection and recycling services rates for 2015 with an increase of 4.3% over 2014 rates, authorize use of Waste**

**Augmentation Fund for payment of the Service Charge Fee and amend the 2014-2016 Biennial Budget – from Administrative Services Director Woodstock. (RESOLUTION)**

**Background/Discussion** – The City’s agreements with Republic Services, Inc., for solid waste collection and recycling and with BLT Enterprises of Fremont for waste transfer services, include provisions for an annual adjustment set by formula based on relevant consumer price indices.

Each of the relevant indices are applied to different portions of the rate to calculate the annual contractual rate adjustment. These price indices include (1) A CPI for Garbage and Trash Collection which was 2.62% for the period between August 2013 and August 2014; (2) A Compressed Natural Gas Service Index which was 8.48% for the same period; and (3) An increase on the disposal costs at the Fremont Transfer Station (BLT), which will be 1% on July 1, 2015. The resulting total rate increase with each index applied to the appropriate part of the rate equates to a rate increase of 2.2% effective January 1, 2015.

In addition to the annual contractual adjustment indicated above, Staff is proposing to smooth in part of the settlement costs from the agreement reached with BLT earlier this year. The settlement established a Service Charge Fee. In 2014, the Waste Augmentation Fund was used to offset the costs of the Service Charge Fee with intent to phase the Fee into the rates. It is recommended to use \$142,000 of the Waste Augmentation Fund for 2015 and incorporate the other portion into the rates. This will increase the rates by 2.1% above the annual contractual adjustment shown above. The total proposed rate increase is 4.3%.

There is sufficient fund balance in the Waste Augmentation Fund for this rate smoothing. The Service Charge Fee will only apply to tonnage that is delivered by the franchise hauler. Staff recommends amending the 2014-2016 Biennial Budget for Fiscal Year 2014-2015 in the amount of \$70,000 and Fiscal Year 2015-2016 in the amount of \$72,000 and to authorize payment of the Service Charge Fee from the unallocated fund balance of the Waste Augmentation Fund.

The average household that uses a 32-gallon cart will see a \$1.19 per month increase. Approximately 75% of residential households subscribe to the 32-gallon cart size. Commercial customers with the average 3-yard bin with a once-a-week pick-up will see an increase of \$12.78 per month. Approximately 33% of commercial customers use this size bin with varying pick-up frequency.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, (1) establish the maximum rates for solid waste collection and recycling services and (2) authorize use of the Waste Augmentation Fund to pay a portion of the Service Charge Fee and (3) amend the 2014-2016 Biennial Budget.

**G. CITY ATTORNEY REPORTS****G.1 Claim of Alfredo Sy – from City Clerk Harrington. (MOTION)**

**Background/Discussion** – On October 7, 2014, the City received a claim from Alfredo Sy in the amount of \$600,000 alleging damages due to a police action.

The claim and all relevant information were forwarded to ABAG Plan, the City's insurance administrator, who recommends that it be denied.

**Attachment** – None

**Action** - It is recommended that the City Council, by motion, deny the claim and authorize staff to inform the claimant of such denial.

**H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS****I.1 Appointment of Faye Hall to the Tri-City Elder Coalition Volunteer Community Board – from Mayor Nagy. (RESOLUTION)**

**Background/Discussion** – Senior Citizen Standing Advisory Committee member Faye Hall has agreed to serve on the Tri-City Elder Coalition Volunteer Community Board. The Tri-City Elder Coalition Volunteer Community Board (TCEC) is appointed and includes representation from senior services providers, non-profit organizations, cultural and faith groups, government, and business. The Board meets 4 times a year and oversees TCEC's mission and initiatives. If appointed, Ms. Hall will serve a two year term on the TCEC Community Board.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, appoint Faye Hall to the Tri-City Elder Coalition Volunteer Community Board.

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

**L. APPROPRIATIONS**

**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, 5<sup>th</sup> 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.