

CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, March 12, 2015

CITY COUNCIL:

Alan L. Nagy, Mayor
Sucy Collazo, Vice Mayor
Luis L. Freitas
Michael K. Hannon
Mike Bucci

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:

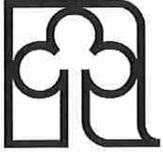
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS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

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. 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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Thursday, March 12, 2015

At 6:30 p.m. the City Council will plant a tree for Arbor Day in the City Hall parking lot.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 26, 2015. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Commending Newark Police Officers for their life saving actions. (COMMENDATION)**

Background/Discussion – In October, Newark Police Officers Khairy, Arroyo, and Knutson responded to a vehicle crash with the driver trapped inside. The Officers worked together to free the driver and pull her out of the burning vehicle. The officers will be at the City Council meeting to be honored for their life saving actions.

- C.2 Proclaiming March 12, 2015, as Arbor Day in Newark. (PROCLAMATION)**

Background/Discussion – In recognition of our continued dedication and commitment to the management of tree resources, the City of Newark has been named a Tree City U.S.A. for the twenty-eighth consecutive year by the National Arbor Day Foundation. An effective urban tree management program requires an on-going maintenance program, along with a program of renewal that includes planting new trees. In celebration of Arbor Day, a public tree planting will be held before the City Council meeting on the west side of the City Administration Building parking lot.

Maintenance Supervisor Carey will be at the meeting to accept the proclamation.

- C.3 Presentation by the Farmers and Farmerettes Square Dance Club. (PRESENTATION)**

Background/Discussion – The Farmers and Farmerettes Square Dance Club is a Newark-based group that does exhibition and entertainment square dancing and is also involved with local charities. Don Baker and representatives from the Farmers and Farmerettes will be at the City Council meeting to present a contribution to the Newark Betterment Corporation.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider an amendment to U-83-41, a conditional use permit, for a truck unloading station and the addition of loading asphalt to railcar at 6880 Smith Avenue (Safety-Kleen of California, Inc.) – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – Safety-Kleen is subject to the conditions of the use permit previously associated with Evergreen Oil. As such, any notable changes to the site or new structures visible from the adjacent right-of-way require Planning Commission and City Council review.

Safety-Kleen is the largest re-refiner of used oil and provider of parts cleaning services in North America. An important part of Safety-Kleen's operation is the offloading of used oil from trucks. The purpose of this proposal is to improve safety and operating efficiency.

Safety-Kleen is proposing to construct a new truck unloading station which will be located adjacent to the existing loading/unloading stations, which will remain intact. The new station consists of a truck access platform and an unloading pump. The access platform will be fabricated from carbon steel with a sliding gangway to allow safe access to multi-compartment truck domes. The platform columns will be mounted on concrete piers. This expansion will safely increase truck unloading capacity to facilitate the use of greater quantities of California-collected used motor oils. This will not change the production capacity of the refinery.

Safety-Kleen currently loads asphalt product onto tanker trucks. They would like to have the capability to load asphalt onto railcars which will reduce the asphalt truck loading frequency. Loading asphalt to railcar is simply a piping system connecting the existing loading pump. Piping will be added to the railcar loading area to move the asphalt to railcars. The project provides better loading capabilities and new equipment which will make the transfers safer.

The proposal is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, (Existing Facilities) in that the new structure and process involve a negligible expansion of the existing recycling use.

Attachment

Update – At its meeting of February 24, 2015, the Planning Commission approved Resolution No. 1905, with Exhibit A, pages 1 through 7, approving the amendment to U-83-41, a conditional use permit, for a truck unloading station and the addition of loading asphalt to railcar at 6880 Smith Avenue (Safety-Kleen).

Action – It is recommended that the City Council, by resolution, with Exhibit A, pages 1 through 7, approve the amendment to U-83-41, a conditional use permit, for a truck unloading station and the addition of loading asphalt to railcar at 6880 Smith Avenue (Safety-Kleen).

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 ordinances repealing Ordinance No. 442 approving and adopting the Newark Area 3 and 4 Specific Plan Development Agreement; and Ordinance No. 443 approving Z-10-17, a Map Amendment to Title 17 of the Newark Municipal Code rezoning parcels to be consistent with the proposed Newark Area 3 and 4 Specific Plan – from City Clerk Harrington. (ORDINANCES-2)**

Background/Discussion – On February 26, 2015, the City Council introduced two ordinances: 1) Ordinance repealing Ordinance No. 442 approving and adopting the Newark Area 3 and 4 Specific Plan Development Agreement; and 2) Ordinance repealing Ordinance No. 443 approving Z-10-17, a Map Amendment to Title 17 of the Newark Municipal Code rezoning parcels to be consistent with the proposed Newark Area 3 and 4 Specific Plan.

Attachment

Action – Staff recommends that the City Council adopt the following ordinances: 1) Ordinance repealing Ordinance No. 442 approving and adopting the Newark Area 3 and 4 Specific Plan Development Agreement; and 2) Ordinance repealing Ordinance No. 443 approving Z-10-17, a Map Amendment to Title 17 of the Newark Municipal

Code rezoning parcels to be consistent with the proposed Newark Area 3 and 4 Specific Plan.

**F.2 Acceptance of contract with J&J Landscape Management for the 2014 Weed Abatement Program – from Maintenance Supervisor Carey.
(RESOLUTION)**

Background/Discussion – On March 27, 2014 the City Council awarded a contract to J&J Landscape Management, for providing weed abatement services. All work on this project is now complete.

Attachment

Action - It is recommended that the City Council, by resolution, accept the contract with J&J Landscape Management for the 2014 Weed Abatement Project.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

**I.1 Considering a text amendment to Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the number of Planning Commissioners from seven to five – from Assistant City Manager Grindall.
(INTRODUCTION OF ORDINANCE)**

Background/Discussion - Chapter 2.12.010 (Creation) of the Newark Municipal Code (NMC) establishes a seven member Planning Commission for the City. This code section has been in place since the adoption of the NMC in 1956. Since 1956, there have been seven Planning Commissioners appointed by the City Council. Qualifications have always been that the person is a registered voter and that they must be appointed by the Mayor with the approval of the City Council.

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. It is clear that, though traditionally there have been seven sitting Commissioners, there is enough diversity and representation with five.

After surveying over 30 cities in California, staff found that several cities with populations similar to Newark operate with five Commissioners. Given the high standards to which our Commissioners are held, to, staff feels that five is sufficient to make recommendations regarding land use issues. In addition, the savings in staff time and material preparation, as well as the additional training funds that will be available, make for a very efficient transition from seven to five Commissioners.

In order to process such a change, Chapter 2.12 (Planning Commission) would need to be amended to change the references from seven to five Commissioners. In addition, the Planning Commission By-Laws would also need to be amended to reduce a quorum from four Commissioners to “a majority of Commissioners”.

Environmental Review

The proposed text amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Attachment

Action - It is recommended that the City Council introduce an ordinance for a text amendment to Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the number of Planning Commissioners from seven to five.

- 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, 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.