



# 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, April 10, 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:

- |                                     |                         |
|-------------------------------------|-------------------------|
| 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](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, April 10, 2014

- A. ROLL CALL
  
- B. MINUTES
  - B.1 Approval of Minutes of the regular City Council meeting of Thursday, March 27, 2014. (MOTION)
  
- C. PRESENTATIONS AND PROCLAMATIONS
  - C.1 Presentation by Union Sanitary District. (PRESENTATION)
  
- D. WRITTEN COMMUNICATIONS
  
- E. PUBLIC HEARINGS
  - E.1 CANCELLATION of continued hearing to consider the development of approximately 217 residential units (Trumark Homes) on an approximately 21.4 acre project site (Jones Hamilton property) generally located on the south side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting the Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.040, "Zoning Map" by rezoning all that real property shown on Vesting Tentative Map 8098 from ML (Limited Industrial) to MDR-FB (Medium Density Residential – Form Based Code); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the inclusionary housing ordinance and approving the affordable housing implementation agreement for the Jones Hamilton Project; (4) adoption of a resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; (5) adoption of a resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture, LLC; (6) adoption of a resolution approving TM-12-32, Vesting Tentative Map

8098; (7) By motion, approving ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and (8) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall. (MOTION TO CANCEL HEARING)

- E.2 CANCELLATION of continued hearing to consider the development of approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) generally located on the north side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 “Zoning Map” by rezoning all that real property shown on vesting tentative map 8110 from MI (limited industrial) to Mdr-Fbc (medium density residential – form based codes); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and approving the Affordable Housing Implementation Agreement for the Enterprise Drive Project; 4) adoption of a resolution approving TM-12-28, Vesting Tentative Map 8110; 5) adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Drive, LLC; 6) By motion, approving ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and 7) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall. (MOTION TO CANCEL HEARING)**
- E.3 Hearing to consider property owners’ objections to the 2014 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances - from Deputy Fire Marshal Guier/Maintenance Supervisor Carey. (MOTION)**
- E.4 Introduction of an Ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code to replace Inclusionary Housing requirements with a Housing Impact Fee and approval of a Resolution setting Housing Impact Fees and establishing affordable units needed to mitigate impacts of Residential Development - from Assistant City Manager Grindall. (ORDINANCE)(RESOLUTION)**

**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 Authorization for the Mayor to sign the Amendment to the Agreement between the City and All Star Building Maintenance, Inc. for Janitorial Services for City Buildings to assign the Agreement to Marina Zepeda – Tri County Building Maintenance and authorize a one year extension – from Maintenance Superintendent Costa. (RESOLUTION)**
  
- F.2 Amendment to Resolution No. 2505, Employee Classification Plan, to revise the Police Lieutenant classification specification; and amendment to Resolution No. 10130, The City Officials, and the Management, Supervisory, and Professional Employee Group Compensation and Benefit Plan, to add the Police Lieutenant position, effective April 10, 2014 – from Human Resources Technician Gendreau. (RESOLUTIONS- 2)**
  
- F.3 Establishing the number of residents in the City of Newark for the purpose of determining the voluntary expenditure ceiling for the November 4, 2014, Municipal Election - from City Clerk Harrington. (RESOLUTION)**
  
- F.4 Resolution of the City of Newark City Council Authorizing the Annual Program Submittal for Measure B Funding of Paratransit Services – from Recreation and Community Services Director Zehnder. (MOTION)**

**NONCONSENT**

- F.5 Approval of the 2014 Alameda County Transportation Expenditure Plan and recommendation for the Alameda County Board of Supervisors to place a 30-year extension and augmentation of the existing transportation sales tax on the November 4, 2014 general election ballot – from Senior Civil Engineer Fajeau. (RESOLUTION)**

**G. CITY ATTORNEY REPORTS****H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS**

- I.1 Approve changing the Newark City Council – Board of Education Joint Task Force on Youth Issues into the Newark City Council – Newark Board of Education Liaison Committee and appointing two members – from City Manager Becker. (RESOLUTION)**
- I.2 Approval of appointment of Jeffrey J. Lucia to the Community Development Advisory Committee and acceptance of resignation from Tanya Mendoza – from Mayor Nagy. (RESOLUTION)(MOTION)**
- I.3 Appointment of Sandra Marie Arellano to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)**

**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.



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## Minutes

Thursday, March 27, 2014

### A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, and Marshall. Vice Mayor Apodaca was noted absent.

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of Thursday, March 13, 2014.

Council Member Freitas moved, Council Member Marshall seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Presentation by the Alameda County Transportation Commission regarding the 2014 Transportation Expenditure Plan.

Executive Director Arthur L. Dao introduced Deputy Director of Planning and Policy Tess Lengyel of the Alameda County Transportation Commission who made a presentation on the 2014 Alameda County Transportation Expenditure Plan. The Transportation Expenditure Plan supports a potential November ballot measure that would augment and extend the existing half-cent sales tax for transportation in Alameda County, for a 30-year term to fund the transportation programs and projects described in the 2014 Plan.

The City Council directed staff to place this on a future agenda.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

City Manager Becker stated that a 19 page letter, from the law firm representing the adjacent property owner, was delivered in the afternoon regarding public hearings E.1 and E.2. He recommended that the City Council open the public hearings concurrently, take public comment, and then continue public hearings E.1 and E.2 to the April 10<sup>th</sup> meeting to allow city staff time to review the details of the letter.

The City Council concurred with City Manager Becker's request.

Mayor Nagy opened the public hearings for E.1 and E.2 concurrently.

Gregory Trimarche, Stoel Rives LLP stated that he submitted the 19 page letter and thanked the City Council for continuing the matter.

Wynn Greich stated that building on toxic land was a concern for everyone. She stated that the City belonged to ICLEI, which would prevent people from being able to sue the City from building on toxic land. She stated there would be health issues after the homes were built.

Margaret Lewis questioned whether the site could be cleaned. She stated there were deed restrictions that prevented digging due to contamination at the site. She stated that Gallade Chemical was an important business in Newark and eminent domain was not right.

Gregg Scott asked where the water would come from for these homes when current residents were asked to reduce water usage. He stated that letters from the Regional Water Control Board doubted that the site could be cleaned up. He stated that he would like an epidemiology report prepared for the site.

Paul Rea stated his concern that soil transported out of the city might blow out. He through a more creative use of Eminent Domain would be to buy houses facing foreclosure and then selling them like the City of Richmond.

Dean Lewis stated 130,000 cubic yards of soil needed to be removed and questioned the process. He stated that the project should be located at Central and Sycamore with access to the railroad.

Wayne Miller stated he was concerned with the volatile compounds in the property. He did not think that it could be cleaned to residential standards. He stated that an inner city, walkable community should be developed.

John Henneberry stated that the project was not transit oriented development. He questioned who would want to buy or rent on toxic land. He thought the site was better suited for commercial use or open space. Gallade Chemicals is a valuable asset to the business community and eminent domain would discourage business development.

Council Member Freitas moved, Council member Collazo seconded to continue Public Hearings E.1 and E.2 to the April 10<sup>th</sup> City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

**E.1 Hearing to consider the development of approximately 217 residential units (Trumark Homes) on an approximately 21.4 acre project site (Jones**

Hamilton property) generally located on the south side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting the Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010, “Zoning Map” by rezoning all that real property shown on Vesting Tentative Map 8098 from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the inclusionary housing ordinance and approving the affordable housing implementation agreement for the Jones Hamilton Project; (4) adoption of a resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; (5) adoption of a resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture LLC; (6) adoption of a resolution approving TM-12-32, Vesting Tentative Map 8098; (7) By motion, approving ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and 8) By motion, approving Exhibit B, Schedule of Impact Fees.

- E.2** Hearing to consider the development of approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) generally located on the north side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 “Zoning Map” by rezoning all that real property shown on vesting tentative map 8110 from MI (limited industrial) to MDR-FBC (medium density residential – form based codes); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and approving the Affordable Housing Implementation Agreement for the Enterprise Drive Project; 4) adoption of a resolution approving TM-12-28, Vesting Tentative Map 8110; 5) adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Drive, LLC; 6) By motion, approving ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and 7) By motion, approving Exhibit B, Schedule of Impact Fees.

## **F. CITY MANAGER REPORTS**

Council Member Collazo moved, Council Member Marshall seconded, to approve Consent Calendar Items F.1 through F.3, that the resolutions be numbered

consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES, 1 ABSENT.

## CONSENT

- F.1 Acceptance of work with Marina Landscape, Inc. for Lakeshore Park Irrigation Renovation, Project 753. RESOLUTION NO. 10180**
- F.2 Approval of plans and specifications for the 2014 Weed Abatement Program, and award the contract to JJ Landscape Management, Inc. MOTION APPROVED RESOLUTION NO. 10181 CONTRACT NO. 14006**
- F.3 Accepting the bid of Group Mobile for the purchase of five Panasonic Toughbooks to replace the public safety mobile data computers, Project No. ERB0114. RESOLUTION NO. 10182**

## NONCONSENT

- F.4 Resolution approving an Economic Incentive Agreement with NewPark Mall, LP, confirming the non-applicability of the California Environmental Quality Act, and authorizing the Mayor to sign the Agreement. RESOLUTION NO. 10183 CONTRACT NO. 14007**

At 8:43 p.m. Mayor Nagy called a recess to allow staff to resolve the technical difficulties with the video equipment. Mayor Nagy called the meeting back to order at 8:48 p.m.

Assistant City Manager Grindall gave the staff report recommending approval.

Kevin Connell, Vice President of Development and Construction with Rouse properties outlined their vision to revitalize NewPark Mall. They proposed new restaurants, entertainment, retail, and a state of the art theatre. They planned to upgrade the amenities, create new entrance facades, and modernize the interior.

In response to Margaret Lewis, Assistant City Manager Grindall stated that the Greater NewPark Area Master Plan, focused on the surrounding parcels, would be ready this summer.

Margaret Lewis expressed her concern that the city was not looking at the mall and surrounding area as a whole.

John Henneberry requested that the City Council not approve this agreement. He stated that better ideas were needed and that he did not approve public subsidies for private development.

Frankie Addiego stated that the proposed movie theater was too close to existing movie theaters. He suggested focusing on the expansion of the mall and a wide variety of retail.

Tim Jones stated that the sales tax agreement will pay for the improvements. A vibrant mall will benefit the surrounding area.

Council Member Marshall moved, Council Member Freitas seconded to approve a resolution approving the Economic Incentive Agreement with NewPark LP, confirming the non-applicability of the California Environmental Quality Act, and authorizing the Mayor to sign the agreement. The motion passed, 4 AYES, 1 ABSENT.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

- I.1 The entire City Council wished Vice Mayor Apodaca's father a speedy recovery.

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

**K. ORAL COMMUNICATIONS**

- K.1 Kathy Bray, stated that the League of Women Voters is sponsoring a Y VOTE Contest for all high school students living in the Tri-City area. Students compete by creating an original public service announcement encouraging young people to vote. Submissions are due on May 1st.

- K.2 Wynn Greich compared fluoride in water to untreated industrial waste. She stated that that the fluoridation of water needed to stop and she encouraged people to call United States Representative Jackie Speier's office.

- K.3** Brian Edwards invited the public to attend the Kids Club at Newark Mall on the third Thursday of each month beginning at 11 am.
- K.4** Frankie Addiego complimented Jolie Macias on organizing the fundraiser for the family of fallen Bart officer Tommy Smith.
- K.5** Margaret Lewis cited the February 13 City Council staff report on the budget amendment and questioned the need for the Utility Users Tax.

City Manager Becker stated that the City's budget was currently in good shape; however, when the UUT expires it would create a huge deficit in the budget. He offered to meet with Mrs. Lewis.

- K.6** John Henneberry shared his thoughts on City Council Member Marshall, Officer Neithercutt, city salaries, the city manager's schedule, the Newark Betterment Corporation, and some of the auditor's findings back in 2011.
- K.7** Tim Jones commended the City Council, Police Department and City volunteers on the 21 percent crime reduction in Newark. He stated that the Utility Users Tax helped make that possible.
- K.8** Mayor Nagy also commended the Police Department and the Raven volunteers for the 21 percent crime reduction in Newark.

**L. APPROPRIATIONS**

City Clerk Harrington read the Register of Audited Demands: Check numbers 100900 to 101024.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 9:46 p.m.

**C.1 Presentation by Union Sanitary District.**

**(PRESENTATION)**

**Background/Discussion** – The Union Sanitary District has asked to make a presentation to the City Council on an update of its activities and upcoming plans. Rich Currie, General Manager, will be at the meeting to make the presentation.

**E.1 CANCELLATION of continued hearing to consider the development of approximately 217 residential units (Trumark Homes) on an approximately 21.4 acre project site (Jones Hamilton property) generally located on the south side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting the Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.040, "Zoning Map" by rezoning all that real property shown on Vesting Tentative Map 8098 from ML (Limited Industrial) to MDR-FB (Medium Density Residential – Form Based Code); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the inclusionary housing ordinance and approving the affordable housing implementation agreement for the Jones Hamilton Project; (4) adoption of a resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; (5) adoption of a resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture, LLC; (6) adoption of a resolution approving TM-12-32, Vesting Tentative Map 8098; (7) By motion, approving ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and (8) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall. (MOTION TO CANCEL HEARING)**

**Background/Discussion** - At the March 27, 2014 City Council meeting, staff informed the City Council that a 19 page letter had been received late that afternoon from legal counsel representing Gallade Chemical, Inc. ("Gallade"), the owner of property adjacent to the project. The letter raised several concerns. Staff requested, and the Council so voted, to continue the hearing so that staff could review the contents of the letter.

After reviewing the 19-page letter, staff recommends that the Council close and cancel the public hearing on this item. This effectively means that this matter would need to be reheard by the Planning Commission and then subsequently considered by the City Council.

**Action** - It is recommended that the City Council, by motion, close and cancel the public hearing regarding this item.

**E.2 CANCELLATION of continued hearing to consider the development of approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) generally located on the north side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 “Zoning Map” by rezoning all that real property shown on vesting tentative map 8110 from MI (limited industrial) to Mdr-Fbc (medium density residential – form based codes); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and approving the Affordable Housing Implementation Agreement for the Enterprise Drive Project; 4) adoption of a resolution approving TM-12-28, Vesting Tentative Map 8110; 5) adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Drive, LLC; 6) By motion, approving ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and 7) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall. (MOTION TO CANCEL HEARING)**

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After reviewing the 19-page letter, staff recommends that the Council close and cancel the public hearing on this item. This effectively means that this matter would need to be reheard by the Planning Commission and then subsequently considered by the City Council.

**Action** – It is recommended that the City Council, by motion, close and cancel the public hearing regarding this item.

**E.3 Hearing to consider property owners' objections to the 2014 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances - from Deputy Fire Marshal Guier/Maintenance Supervisor Carey.  
(MOTION)**

**Background/Discussion** - On February 27, 2014, the City Council adopted Resolution No. 10,173 initiating the 2014 Weed Abatement Program and setting a public hearing for April 10, 2014. The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Marshal. Property owners may object in person by attending this hearing or by letter. As of April 1, 2014, no written objections have been received. Several owners have notified staff that they will perform the work themselves. If the weeds on these parcels are not abated in a timely manner, the City's contractor will perform the work in May. This will provide these owners ample time to complete the abatement.

The property owners, as listed on the County Assessor's roll, have been given the required notice of the public hearing date. If objections are received prior to or during the public hearing, the Council should consider the objections; and then, by motion, allow or overrule the objections. The Council may then instruct the Superintendent of Streets to abate the public nuisance on the parcels remaining in the program.

**Attachment** - None

**Action** - It is recommended that the City Council, by motion, act upon any objections by property owners to the 2014 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances.