

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, October 23, 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:

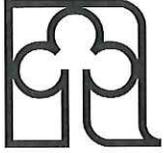
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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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AGENDA

Thursday, October 23, 2014

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, October 9, 2014. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Commending Newark Days Committee members. (COMMENDATION)

- D. WRITTEN COMMUNICATIONS

- E. PUBLIC HEARINGS
 - E.1 Hearing for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue. The City Council will consider: (1) an Initial Study and Mitigated Negative Declaration; (2) a General Plan amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) introduction of an Ordinance to amend Title 17 (Zoning) 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); (4) approving a planned unit development, and, a conditional use permit, (5) a Vesting Tentative Map 8208 for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42; and (6) making a finding that the Prima Project provides a benefit to the community in excess of those required by the impacts of the project and payment of the Housing Impact Fee and granting a waiver of the Housing Impact Fee – from Assistant City Manager Grindall.
(RESOLUTIONS-5)(ORDINANCE)(MOTION)

 - E.2 Introduction 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 Assistant City Manager Grindall. (ORDINANCE)

- E.3 Hearing to consider: (1) Adopting a resolution approving a General Plan Amendment (GP-14-21) to change the land use designation from S-I (Special Industrial) to P-I (Public and Institutional); and (2) by motion, approving Planning Commission Resolution No. 1884, for P-14-23, a planned unit development and U-14-24, a conditional use permit, for a private school (Stratford School) to be located at 39201 Cherry Street (APNs: 901-110-68 & 69). This project also includes temporary modular school rooms and offices for the 2014/15 school year – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)**

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 Acceptance of work with Stevens Creek Quarry, Inc., for Lakeshore Park Seawall Replacement, Project 755 – from Assistant City Engineer Fajeau. (RESOLUTION)**
- F.2 Cancellation of the November 27, 2014, City Council meeting – from City Clerk Harrington. (MOTION)**

G. CITY ATTORNEY REPORTS

- G.1 Claim of Veronica Walter – from City Clerk Harrington. (MOTION)**

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Reappointment of Janet Drews and Jeff Aguilar to the Planning Commission – 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, 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.



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City Administration Building
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Minutes

Thursday, October 9, 2014

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meetings of September 18, 2014 and September 25, 2014.

Council Member Marshall moved, Council Member Collazo seconded, to approve the Minutes of the City Council meetings. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

D.1 MUP-14-37, a minor conditional use permit, to establish a large family day care home at 5557 Jonathan Drive.

City Manager Becker gave the staff report noting this was a review optional item.

The City Council concurred with the action of the Zoning Administrator.

E. PUBLIC HEARINGS

City Manager Becker announced that the newspaper failed to print the legal notices for public hearings E.1 and E.2. Because proper legal noticing was not completed by the newspaper, it will not be possible to hold the public hearings tonight. The Public Hearings will be held at the next City Council meeting on Thursday, October 23, 2014.

E.1 Hearing for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue. The City Council will consider: (1) an Initial Study and Mitigated Negative Declaration; (2) a General Plan amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) introduction of an Ordinance to amend

Title 17 (Zoning) 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); (4) by motion, approving a planned unit development, and, a conditional use permit, (5) a Vesting Tentative Map 8208 for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42; and (6) finding the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee.

HEARING CANCELED

- E.2 Introduction of an Ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code by exempting residential additions from the Housing Impact Fee.**

HEARING CANCELED

F. CITY MANAGER REPORTS

Vice Mayor Apodaca moved, Council Member Collazo seconded, to approve Consent Calendar Item F. 1. The motion passed, 5 AYES.

CONSENT

- F.1 Authorization for the City to accept the Office of Traffic Safety (OTS) “Avoid the 21” DUI enforcement campaign grant award, authorize the Police Chief to sign the Memorandum of Understanding, and amend the 2014-2016 Biennial Budget.**

RESOLUTION NO. 10280

NONCONSENT

- F.2 Acceptance of Fire Services Alternatives Study from Citygate Associates for the cities of Newark and Union City and direction to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance.**

MOTION APPROVED

City Manager Becker stated that the City has received excellent service from the Alameda County Fire Department (ACFD). The unfunded liabilities of uncapped retiree health care for retirees and their families and the contract agencies input for decision-making needs to be addressed. Citygate Associates conducted a Fire Services Alternative Study focusing on 1. remaining with ACFD, 2. forming a joint fire department with Union City, and 3. contracting for fire services with another entity.

Stewart Gary of Citygate Associates provided a presentation (on file in the City Clerk's office) on the results of the Fire Services Alternative Study.

City Manager Becker recommended that the City Council accept the study and direct staff to negotiate a five year extension to include yearly termination options, reform of retiree health benefits and increasing the Cities roll in decision making.

Fire Chief Rocha thanked Citygate for their assessment. He noted that the contract with Local 55 will reopen in 2016 and issues such as healthcare will be discussed. He urged the City Council to approve staff's recommendation.

Sean Burrows, President of Alameda County Firefighters Association, Local 55 also stated his support for staff's recommendation. He stated that Local 55 understood the issues and were willing to discuss.

Council Member Freitas moved, Council Member Collazo seconded to accept the Fire Services Alternatives Study and direct staff to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1** Council Member Collazo stated that October 9 is Fire Prevention Day and thanked the Alameda County Fire Department for their service.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 102647 to 102750.

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

M. CLOSED SESSION

M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun and Human Resources Director Abe.

At 8:19 p.m. the City Council recessed to a closed session.

At 8:27 p.m. the City Council convened in closed session.

At 8:32 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 8:32 p.m. Vice Mayor Apodaca moved, Council Member Marshall seconded, to adjourn the City Council meeting. The motion passed, 5 AYES.

C.1 Commending Newark Days Committee members.

(COMMENDATION)

Background/Discussion – Newark Days was held September 18-21, 2014, and celebrated the City’s 59th birthday. Members of the Newark Days Committee (Committee) volunteer their time and effort to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.