



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

Minutes

Thursday, April 24, 2014

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:33 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, April 10, 2014.

Council Member Freitas moved, Council Member Marshall seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 3 AYES, 1 ABSTENTION (Collazo), 1 ABSENT (Apodaca).

C. PRESENTATIONS AND PROCLAMATIONS

C.4 Proclaiming May 1, 2014, as National Day of Prayer in Newark.

Mayor Nagy announced that he would present the Nation Day of Prayer Proclamation first. Mayor Nagy presented the proclamation to Deacon Wedl from St. Edward Catholic Church.

C.1 Proclaiming May 2014 as Older Americans Month in Newark.

Mayor Nagy presented the proclamation to members of the Newark Senior Citizen Standing Advisory Committee.

C.2 Proclaiming May as Water Aquatics Safety Month in Newark.

Mayor Nagy presented the proclamation to Senior Recreation Supervisor Beireis.

C.3 Proclaiming May 9 - 18, 2014, as Affordable Housing Week in Newark.

Mayor Nagy presented the proclamation to Florinda Cleto and the residents of Newark Gardens.

C.5 Presentation on Measure AA the Alameda County Healthcare Services Tax Healthcare Safety Net Reauthorization on the June 3, 2014 ballot.

Kuwaza Imari, stated that in 2004, county voters approved Measure A, a half-cent sales and use tax to provide for additional financial support for healthcare services. The Alameda County Board of Supervisors has placed Measure AA on the June 3, 2014 ballot to maintain the half-cent sales tax with an extension of 15 more years upon the expiration of the current measure.

City Manager Becker stated that a resolution would be placed on the next agenda for the City Council to consider endorsing the Measure.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider the development of 88 townhomes, 72 affordable housing units, and a 15,000 square foot commercial building along Enterprise Drive and Willow Street within the Dumbarton Transit Oriented Development Specific Plan : (1) Adopt a resolution making certain findings approving an Initial Study/Mitigated Negative Declaration 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 8157 (APN 092-0115-11, 12 & 13) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Code), and R-FBC (Commercial Retail – Form Based Code); (3) adopt a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and authorize the Mayor to sign the Affordable Housing Obligation Satisfaction Agreement; 4) adopt a resolution approving TM-13-22, Vesting Tentative Map 8157; 5) adopt a resolution authorizing the Mayor to sign the Community Financing Agreement with SHH Project Owner, LLC and Newark Parcel E Project Owner, LLC; and 6) by motion, approve ASR-13-23, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 31.**

**RESOLUTION NO. 10193 to 10196
CONTRACT NO. 14008 to 14009
ORDINANCE INTRODUCED
MOTION APPROVED**

Assistant City Manager Grindall gave the staff report recommending approval. This project fulfills the grocery store and senior housing requirement from the Torian project. The senior housing project would be completed in lieu of the inclusionary housing requirement. He stated that there were no significant environmental impacts associated with the project and that the soils would be cleaned up to residential standards. He noted that the resolution approving the vesting tentative map was amended with minor edits.

Mayor Nagy opened the public hearing at 7:54 p.m.

Mark Butler, Integral Communities, LLC, said that he read the recommended actions and agreed to the conditions.

Frankie Addiego stated that he wanted to acknowledge, for the record, comments made by the public at previous meetings regarding hazardous soils.

Mayor Nagy closed the public hearing at 8:02 p.m.

Council Member Freitas moved, Council Member Collazo seconded to:

- 1) Adopt Resolution No. 10193 making certain findings and adopting an Initial Study and Mitigated Negative Declaration for 88 Townhomes, 75 Affordable Housing Units, and a 15,000 square foot commercial building within the Dumbarton Transit Oriented Development Specific Plan;
- 2) Introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code being the City of Newark Zoning ordinance by changing the zoning of a specified area in the City of Newark;
- 3) Adopt Resolution No. 10194 approving an alternative means of compliance with the Inclusionary Housing Ordinance for the SHH Project; making findings related to the use of an Alternative Means of Compliance and authorize the Mayor to sign the Affordable Housing Obligation Satisfaction Implementation Agreement;
- 4) Adopt Resolution No. 10195 approving Vesting Tentative Map 8157, with the amendments as provided by Assistant City Manager Grindall;
- 5) Adopt Resolution No. 10196 authorizing the Mayor to sign a Community Financing Agreement with SHH Project Owner, LLC;
- 6) Approve, by motion, ASR-13-23, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 31.

The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Marshall seconded, to approve Consent Calendar Items F.1 through F.6, that the resolutions and ordinance be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.1 Approval of events within the public right-of-way, authorization to issue an Encroachment Permit to the S.E.S. (Holy Ghost Festival Committee) organization, and provision of traffic control for the annual Holy Ghost Festival on July 26 and 27, 2014. MOTION APPROVED**
- F.2 Adoption of the 2014-2019 Five-Year Forecast. RESOLUTION NO. 10197**
- F.3 Second reading and adoption 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. ORDINANCE NO. 473**
- F.4 Adopting a Compensation Plan for certain positions in the Exempt Service Employee Group and revoking previously adopted plans. RESOLUTION NO. 10198**
- F.5 Authorization for the Mayor to sign the amendment to the agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for fiscal year 2013-2014. RESOLUTION NO. 10199
CONTRACT NO. 13022**
- F.6 Approval of the final map and authorization for the Mayor to sign the Subdivision Agreement for Tract 8130, a 164-unit residential subdivision (Timber Street LLC – Trumark Homes) on the east side of Cedar Boulevard, approximately 450 feet south of Central Avenue. RESOLUTION NO. 10200
CONTRACT NO. 14010**

NONCONSENT**F.7 Review of the Draft 2014-2015 and 2015-16 Capital Improvement Plan.
INFORMATIONAL ONLY**

Senior Civil Engineer Fajeau outlined the draft Capital Improvement Plan. He stated that the final Capital Improvement Plan would be scheduled for a City Council meeting in June.

Mayor Nagy directed staff to include the dates when projects were added to the Capital Improvement Plan.

**F.8 Authorization for the Mayor to sign an agreement with Citygate Associates LLC to conduct a fire services alternatives study for the cities of Newark and Union City.
RESOLUTION NO. 10201
CONTRACT NO. 14011**

City Manager Becker stated that the cities of Newark and Union City contract with the Alameda County Fire Department (ACFD) for fire and emergency response services. The service has been excellent; however both Cities are concerned with their lack of control over the costs of their contracts and the medical benefit given to the employee and their families upon retirement after a minimum of five years of service. Former Newark Fire Department employees will qualify for the retiree medical benefit when they pass their fifth anniversary on May 1, 2015. The medical benefit is fully paid by ACFD with no financial contributions made by active employees or retirees.

City Manager Becker recommended contracting with Citygate Associates, LLC (Citygate) to perform a Fire Services Alternatives Study. Several options will be evaluated including: 1) Remaining with ACFD; 2) Forming a new, joint fire department; 3) Forming a new Joint Powers Agency, Fire Services District, or similar entity; and 4) Contracting for fire services from another entity.

ACFD Chief Rocha stated that ACFD will work with Citygate Associates LLC on this study.

Council Member Marshall requested that staff look into private provider options for fire services.

Council Member Freitas moved, Council Member Marshall seconded to, by resolution, authorize the Mayor to sign an agreement with Citygate Associates, LLC to conduct a fire services alternatives study for the cities of Newark and Union City. The motion passed, 4 AYES, 1 ABSENT.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION**I. CITY COUNCIL MATTERS****I.1 Consideration of City Council's summer meeting recess during the month of August 2014 .**
MOTION APPROVED
RESOLUTION NO. 10202

Mayor Nagy recommended that the City Council approve a meeting recess in August and authorize the City Manager, or his designee, to approve administrative matters in August.

Council Member Marshall moved, Council Member Collazo seconded to, by motion, approve a City Council summer meeting recess during the month of August 2014 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess. The motion passed, 4 AYES, 1 ABSENT.

- I.2** The entire City Council extended their good wishes and prayers to Vice Mayor Apodaca's family.
- I.3** Council Member Collazo encouraged the public to honor the seniors in the community.
- I.4** Council Member Freitas congratulated the Mayor on the State of the City speech. He also thanked staff for their work on the Lakeshore Park Pathway project.
- I.5** Council Member Marshall thanked Senior Civil Engineer Fajeau for his work on the Capital Improvement Plan.

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

No one came forward to speak.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 101169 to 101302.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:36 p.m.

SHEILA HARRINGTON
City Clerk