



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, May 8, 2014

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:35 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 24, 2014.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced recently hired General Laborer Brandon Gordon and recently promoted Building Mechanic I Jose Rodriguez.

C.2 Proclaiming May 18-24, 2014, as National Public Works Week in Newark.

Mayor Nagy presented the proclamation to Public Works Director Peggy Claassen.

C.3 Proclaiming May 18-24, 2014, as National Emergency Medical Services Week in Newark.

Mayor Nagy presented the proclamation to Alameda County Fire Department Division Chief Brian Caminada and Battalion Chief Stephanie Radecke.

C.4 Proclaiming May 18-24, 2014, as National Police Week in Newark.

Mayor Nagy presented the proclamation to Police Commander Renny Lawson.

C.5 Presentation by Assemblymember Bob Wieckowski on the “State of the State.”

Assemblymember Bob Wieckowski gave a presentation on the “State of the State”. He highlighted the State budget process, drought legislation, transportation funding, affordable housing, and the potential for infrastructure financing districts to be used in place of redevelopment agencies.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider P-14-2, a planned unit development, U-14-3, a conditional use permit, and E-14-4, an environmental determination, for a one-day carnival to be held on August 9, 2014 at NewPark Mall (APN 901-0111-025) in conjunction with the Halal Food & Eid Festival; and authorization to waive the application fee. MOTIONS-2 APPROVED

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 8:00 p.m.

Irfan Rydhan said that he read Planning Commission Resolution No. 1866 and agreed to the conditions in the resolution. In response to City Council questions, he stated that he hoped to make this an annual event.

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

Council Member Freitas moved, Council Member Marshall seconded to, by motions: (1) approve Planning Commission Resolution No. 1866, with Exhibit A, for P-14-2, a planned unit development, U-14-3, a conditional use permit, and E-14-4, an environmental determination, for a one-day carnival to be held on August 9, 2014 at NewPark Mall (APN 901-0111-025) in conjunction with the Halal Festival; and (2) authorize a waiver of the application fee. The motion passed, 4 AYES, 1 ABSENT.

E.2 Hearing to consider the development of approximately 217 residential units (Trumark Homes) on an approximately 21.4 acre project site (Jones Hamilton property) located on the south side of Enterprise Drive east of Willow Street: (1) Resolution making certain findings and adopting the Supplemental Environmental Impact Report to the Environmental Impact Report 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) Resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and authorizing the mayor to sign the Affordable Housing Implementation Agreement; (4) Resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; (5) Resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture, LLC; (6) Resolution approving TM-12-32, Vesting Tentative Map 8098; (7) By Motion, approving an Architectural and Site Plan Review; and (8) By motion, approving the Schedule of Impact Fees.

MOTION APPROVED TO CONTINUE

City Manager Becker requested that the City Council consider public hearings E.2 (Trumark Homes, Jones Hamilton property) and E.3 (Trumark Homes, Enterprise property) concurrently. Both public hearings have Trumark Homes as the applicant, are within the Dumbarton Transit Oriented Development Specific Plan, and are adjacent to each other.

Assistant City Manager Grindall suggested that the City Council continue both public hearings to allow the applicant time to work out a few issues. These projects would convert industrial land into residential uses. All toxic contamination would be cleaned up prior to the housing development. This developer will pay a fee, in lieu of inclusionary housing, in the amount of \$25,000 per unit. The developer, the City and Gallade Chemicals are currently negotiating to develop the Gallade parcel into a public park.

At 8:14 p.m. Mayor Nagy opened the public hearings for E.2 and E.3.

Veronica Vargas, Trumark Homes stated that she agreed to the conditions in E.2 and E.3. She requested that the City Council not take action until Trumark's negotiations with Gallade Chemicals concluded.

Margaret Lewis stated her concern with the improvement at Willow Street and Enterprise Drive which is a truck route. She questioned the ability of emergency vehicles and buses to travel over the traffic calming devices. She noted that similar developments in Sunnyvale and Mountain View have ongoing environmental issues that require monitoring.

Dean Lewis stated that the toxins will need to be disclosed to the homebuyers because he thought they would get into the homes. He stated that the road width would put the fire department and residents lives at risk. He suggested focusing on the area near the post office for development.

John Henneberry stated that he was against this development and agreed with the previous speakers. He stated that the city needed open space more than residential

development. He stated that only the out of town developers would benefit from this project.

Tim Taylor on behalf of Gallade Chemicals stated they were making progress in their discussions and need additional time to work through the issues.

Barry Shotts stated that he was speaking on behalf of Ashland which owns 10 acres within Dumbarton Transit Oriented Development Specific Plan. He stated that the properties can be remediated and redeveloped. He noted that the Sunnyvale and Mountain View projects have led to new vapor intrusion guidelines.

Tamara Bennett stated that she has lived in that neighborhood since 1999. She stated that the Alameda County Water District has been trying to clean it up for years. There are a number of plumes being monitored. She stated that she was concerned with the air when they disturb the dirt. She thought that rezoning to higher density would devalue her property.

Assistant City Manager Grindall stated that the roads were designed to calm traffic and that the Alameda County Fire Department was consulted to ensure the roads were wide enough. He stated that based on conversations with the School District, there would be adequate capacity for students.

Council Member Collazo moved, Council Member Marshall seconded to continue public hearings E.2 and E.3 to a future City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

- E.3 Hearing to consider the development of approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) located on the north side of Enterprise Drive east of Willow Street: (1) Resolution making certain findings and adopting a Supplemental Environmental Impact Report to the Environmental Impact Report 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 ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); (3) Resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and approving the Affordable Housing Implementation Agreement; (4) Resolution approving Vesting Tentative Map 8110; (5) Resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Joint Venture, LLC; (6) By motion, approving an Architectural and Site Plan Review; and (7) By motion, approving the Schedule of Impact Fees. MOTION APPROVED TO CONTINUE**

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. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.1 Accepting the bid of Cyber Computers Inc. for the purchase of two Hewlett-Packard DL160 Servers for Public Works Department's CRW Trakit permitting software system, Project No. CIP1043. RESOLUTION NO. 10203**
- F.2 Acceptance of work with Rosas Brothers Construction for 2013 Curb, Gutter and Sidewalk Replacement, Project 1042. RESOLUTION NO. 10204**
- F.3 Acceptance of work with VSS International, Inc. for 2013 Street Microsurfacing Program, Project 1041. RESOLUTION NO. 10205**
- F.4 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code 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). ORDINANCE NO. 474**
- F.5 Endorsement of Measure AA the Alameda County Healthcare Services Tax on the June 3, 2014 ballot. RESOLUTION NO. 10206**
- F.6 Approval of an agreement for participation in the Alameda County Operational Area Emergency Management Organization. RESOLUTION NO. 10207**

NONCONSENT

- F.7 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 and setting date of public hearing. RESOLUTION NO. 10208-10209**

Council Member Collazo announced that she would recuse herself from this item since she owns property in Landscaping and Lighting District No. 10. She left the City Council Chamber.

City Manager Becker gave the staff report recommending approval.

Council Member Marshall moved, Council Member Freitas seconded by resolutions to, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 26, 2014. The motion passed, 3 AYES, 1 RECUSED (Collazo), 1 ABSENT (Apodaca).

Council Member Collazo returned to the City Council Chamber.

F.8 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 11, 13, 15, 16, and 17 and setting date of public hearing.

City Manager Becker stated that Council Members Collazo and Marshall would need to recuse from this item because they each owned property within Landscaping and Lighting District No. 11. The recusals combined with Vice Mayor Apodaca's absence would result in a lack of quorum to consider the item. He stated that staff would reschedule the item for the next City Council meeting.

F.9 Presentation by Godbe Research on the results of public opinion sampling and evaluation of possible public support for an extension of the existing City of Newark Utility User Tax. MOTION APPROVED

City Manager Becker highlighted the history of the Utility User Tax (UUT). He noted there will be significant operating budget deficits in the years following the expiration of the UUT. He introduced Bryan Godbe of Godbe Research who shared the results of the Utility User Tax Renewal Survey. The survey indicated strong voter support for the UUT renewal. Mr. Godbe recommended placing the renewal measure on the November 2014 ballot.

Dean Lewis stated that he warned everyone that the UUT would not be temporary. He noted that he did not see any reference to how long the extension would last. He stated that new revenue would be generated by the Amazon distribution building and the changes to the NewPark mall. He did not see a need for the extension.

John Henneberry spoke against the renewal of the UUT. He referenced City Council fiscal approvals that he did not think were necessary.

Frankie Addiego stated that he was not in favor of the UUT and suggested adding an expiration date to the tax. He stated that the tax may not be needed when the current economic development projects comes to fruition.

Council Member Marshall moved, Council Member Collazo seconded to by motion, accept the results of the public opinion polling. The motion passed, 4 AYES, 1 ABSENT.

City Manager Becker requested that the City Council provide direction to staff on next steps.

Council Member Collazo moved, Council Member Marshall seconded to by motion direct staff to return at a future city council meeting with a staff report to place the extension of the Utility Users Tax on the November Ballot, including a recommendation for the length of time for the UUT and tax rate. 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 extended their condolences to Vice Mayor Apodaca on the loss of her father. Mayor Nagy stated that he would adjourn a future City Council meeting in memory of Dan Apodaca.

I.2 Mayor Nagy stated that he would adjourn the meeting in memory of Harry Martin.

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

K. ORAL COMMUNICATIONS

K.1 John Henneberry shared his thoughts on city salaries, placing his survey on the agenda, the city manager's schedule, the 2011 Comprehensive Annual Financial Report, the Newark Betterment Corporation, Council Member Marshall and Police Officer Neithercutt.

K.2 Frankie Addiego explained the open primary process for the June 3 election. He highlighted the types of electioneering that would not be allowed at the polling locations.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 101303 to 101405.

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

At 9:33 p.m. Mayor Nagy adjourned the City Council meeting in memory of Harry Martin.

SHEILA HARRINGTON
City Clerk