



CITY OF NEWARK CITY COUNCIL

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

MINUTES Thursday, September 11, 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.

Mayor Nagy requested a moment of silence for the 13th anniversary of 9/11.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 24, 2014.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced newly hired Public Works employees: Landscape Parks Maintenance Worker I Warren Antida and Administrative Analyst Myvan Khuu-Seeman.

C.2 Commending Jennifer Chung.

Mayor Nagy presented a commendation to Jennifer Chung who was recently named 2014 Miss Vietnam of Northern California and Miss Asian America 2014.

C.3 Proclaiming September 18-21, 2014, as Newark Days.

Mayor Nagy presented the commendation to members of the Newark Days Committee.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of an Architectural and Site Plan Review for a 75 unit senior housing project (Gateway at Newark) located on Willow Street within the Dumbarton Transit Oriented Development.

MOTION APPROVED

Assistant City Manager Grindall stated that this project will meet the affordable housing obligation for the Torian/SHH properties and the Integral Cedar Townhomes projects. He stated that the housing will be marketed to Newark residents first; however it will be open to those in the general public who qualify.

Vice Mayor Apodaca requested that a sidewalk or safe path be evaluated from this building to the supermarket that is planned for the area.

Margaret Lewis stated that the Gallade Chemical Company has given the City 90-day notice that they intend to sue regarding the Jones Hamilton property across the street from this project. She stated it was premature to vote on this project until it was known what would happen with the lawsuit.

Council Member Freitas moved, Council Member Collazo seconded to, by motion, approve Planning Commission Resolution No. 1885, with Exhibit A, pages 1 through 6, for ASR-14-35, an Architectural and Site Plan Review for a 75 unit senior housing project (Gateway at Newark) located on Willow Street. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

- E.1 Cancellation of Public Hearing to consider: (1) A General Plan Amendment to change the land use designation from S-I (Special Industrial) to P-I (Public and Institutional); and (2) approving Planning Commission Resolution No. 1884, for a planned unit development and a conditional use permit for a private school (Stratford School) to be located at 39201 Cherry Street (APNs: 901-110-68 & 69). The project includes temporary modular school rooms and offices for the 2014/15 school year.**
- MOTION TO CANCEL HEARING**

City Manager Becker requested that the City Council cancel the public hearing at this time to allow additional traffic analysis to be completed. The matter will be renoticed for a future meeting.

Mayor Nagy asked if anyone in the audience wanted to speak on this item. No one came forward.

Vice Mayor Apodaca moved, Council Member Marshall seconded to cancel the public hearing. The motion passed, 5 AYES.

- E.2 Hearing to consider Z-14-32, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability).**
- INTRODUCTION OF ORDINANCE**

Assistant City Manager Grindall stated that when the Form Based Codes were approved, it was inadvertently restricted to the the Dumbarton Transit-Oriented Development (TOD) Specific Plan Area. He recommended this text amendment to allow the Form Based Codes to be applied across the City.

At 8:15 p.m. Mayor Nagy opened the public hearing.

No one came forward to speak.

At 8:16 p.m. Mayor Nagy closed the public hearing.

Council Member Marshall moved, Vice Mayor Apodaca seconded to introduce an ordinance for a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability). The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Marshall seconded, to approve Consent Calendar Items F.1 through F.4, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Report on administrative actions during August recess. MOTION APPROVED**
- F.2 Acceptance of work with AJW Construction for 2013 and 2014 Citywide Wheelchair Accessible Ramps, Projects 1022 and 1048. RESOLUTION NO. 10266**
- F.3 Acceptance of work with United Storm Water, Inc. for Storm Drain Trash Capture Devices, Project 1059. RESOLUTION NO. 10267**
- F.4 Authorization for the Mayor to sign a cooperative funding agreement with the East Bay Regional Park District for the demolition of the Mowry's Landing School. RESOLUTION NO. 10268**

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

- I.1 Declaring a vacancy on the Senior Citizen Standing Advisory Committee and the Tri City Elder Coalition Volunteer Community Board and authorizing the City Clerk to post a notice of vacancy. MOTION APPROVED**

Mayor Nagy stated that Carol McCarty has submitted her resignation from the Senior Citizen Standing Advisory Committee and the Tri City Elder Coalition Volunteer Community Board.

Council Member Collazo moved, Council Member Freitas seconded to, by motion, declare a vacancy on the Senior Citizen Standing Advisory Committee and the Tri City Elder Coalition Volunteer Community Board and direct the City Clerk to post the notice of vacancy. The motion passed, 5 AYES.

- I.2** Mayor Nagy stated that he would adjourn the meeting in memory of Charlotte M. Ornellas, Fred Jueneman, and Dr. Alejandrino Lola. The entire City Council extended their condolences.
- I.3** The City Council commented on the 9/11 anniversary.
- I.4** Council Member Collazo encouraged the public to be prepared for emergency situations.
- I.5** Vice Mayor Apodaca invited the public to attend the Safe Alternatives to Violent Environments Breakfast Eye Opener on September 26.

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

- J.1 Resolution of the City of Newark acting as the Successor Agency to the Newark Redevelopment Agency adopt and endorse the Recognized Obligation Payment Schedule for the period of January to June 2015.**

RESOLUTION NO. SA 2014-3

Administrative Services Director Woodstock stated that the payment received for ROPS 14-15A used the full allocation available from the Redevelopment Property Tax

Trust Fund for Fiscal Year 2014-2015. ROPS 14-15B is being submitted to the State to recognize the outstanding debt balance on the loan.

Council Member Freitas moved, Council Member Collazo seconded, acting as the Successor Agency to the Newark Redevelopment Agency, by resolution, adopt and endorse the Recognized Obligation Payment for the period of January to June 2015. The motion passed, 5 AYES.

K. ORAL COMMUNICATIONS

- K.1** Frankie Addiego stated that 9/11 begat a resurgence of appreciation for emergency responders. He stated his appreciation for all emergency responders.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 102090 to 102537.

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 City Council meeting at 8:30 p.m. in memory of Fred Jueneman, Charlotte M. Ornellas, and Dr. Alejandrino Lola.

SHEILA HARRINGTON
City Clerk