



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, December 10, 2015

### A. ROLL CALL

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of Thursday, November 12, 2015.

Moved by Council Member Freitas, seconded by Vice Mayor Collazo to approve the minutes. The motion passed, 5 AYES.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Commending retired Fire Department employees.

Mayor Nagy presented commendations to retiring Fire Department employees: Brian Caminada, Tony Connell, Ernie Morua, and Steve Perry.

At 7:45 p.m., Mayor Nagy called for a recess. At 7:47 p.m., the meeting resumed.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider the Sanctuary Project, 386 single family units at the northwest corner of Cherry Street and Stevenson Boulevard by: (1) an ordinance rezoning approximately 68.55 acre portion of Vesting Tentative Tract Map 8270 from R-6000 (Low Density Residential) to LDR-FBC (Low Density Residential – Form Based Codes) and approximately 3 acres from R-6000 (Low Density Residential) to POS-FBC (Parks and Open Space – Form Based Codes); (2) approving a resolution for Vesting Tentative Tract Map 8270; and (3) by motion, approving an Architectural and Site Plan Review.

**ORDINANCE INTRODUCED  
RESOLUTION NO. 10429  
MOTION APPROVED**

Assistant City Manager Grindall gave a presentation. This project is for 386 two-story

homes in Sub Area A of the Areas 3 and 4 Specific Plan Project. There will be open space amenities, a school site, a joint-use park dedicated by the developer, and impact fees payable to the City and the School District. He stated that pesticides will be cleaned before land is dedicated to the School District. The project conditions include compliance with all identified mitigation measures.

In response to City Council questions, Assistant City Manager Grindall stated that the school site location was determined with input from school district officials. The School District will determine the type of school for that location. The adjacent park will be used by the school when it is open.

Mayor Nagy opened the public hearing at 8:07 p.m.

Paul Lettieri, Landscape Architect gave a presentation on the project. He stated, on behalf of the applicant, that they had read and agreed to the conditions.

In response to Council questions, Mr. Lettieri stated that the park design in the presentation is conceptual and the needs for the area could be incorporated when the park is designed. There will be a homeowners association for the neighborhood.

Assistant City Manager stated that there was a sufficient buffer between this property and the industrial properties to the south.

Mayor Nagy closed the public hearing at 8:17 p.m.

Moved by Council Member Freitas, seconded by Vice Mayor Collazo to: 1) 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; 2) by resolution, approve Vesting Tentative Map 8270 for 386 single family units at the northwest corner of Cherry Street and Stevenson Boulevard; and 3) by motion, approve ASR-15-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 15. The motion passed, 5 AYES.

## **F. CITY MANAGER REPORTS**

Council Member Hannon requested that Consent Calendar Item F.1 and F.2 be removed for separate consideration.

Vice Mayor Collazo requested that Consent Calendar Item F.7 be removed for separate consideration.

Council Member Bucci moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items F.3 through F.6 and F.8, 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.3 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2014-2015 in accordance with Government Code Section 66006(b). MOTION APPROVED**
- F.4 Approval of specifications, acceptance of bid, and award of contract to Mike Davis Landscape Services for Park and Landscape Maintenance Services, Project 1123A . MOTION APPROVED SPECIFICATIONS RESOLUTION NO. 10430 CONTRACT NO. 15043**
- F.5 Approval of the final map for Tract 8212, a 77-lot single-family residential subdivision (Classic 36120 Ruschin, L.P.) at 36120 Ruschin Drive. RESOLUTION NO. 10431**
- F.6 Approval of Amendment No. 1 to the Project Specific Funding Agreement with Alameda County Transportation Commission for the Preliminary Engineering/Environmental (PE/Env), and the Final Design (PS&E) Phases of the Central Avenue Overpass, Project 1014. RESOLUTION NO. 10432**
- F.8 Approval to reorganize the management structure in Administrative Services by establishing a Division Chief for Finance by amending Resolution No. 2505, the Employee Classification Plan, to add the classification of Accounting Manager; amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials, and the Management, Supervisory and Professional Group, to add the classification of Accounting Manager; and amending Resolution No. 10235, the 2014-2016 Biennial Budget, to add a position and the funding for the position of Accounting Manager and to delete the position of Accountant. RESOLUTION NOS. 10433-10435**

**NONCONSENT**

**F.1 Authorization for the City of Newark to accept a California Department of Alcoholic Beverage Control (ABC) grant and authorizing the Police Chief to sign the standard agreement. RESOLUTION NO. 10436**

Council Member Hannon commended staff for seeking the grant funds and educating local establishments.

Council Member Hannon moved, Council Member Freitas seconded to, by resolution, authorize the City of Newark to accept a California Department of Alcoholic Beverage Control (ABC) grant and authorize the Police Chief to sign the standard agreement. The motion passed, 5 AYES.

**F.2 Approval of the 2016 Local Appointments List – from City Clerk Harrington. MOTIONS (3) APPROVED**

Council Member Hannon thanked the residents who serve on local committees.

Council Member Hannon moved, Council Member Bucci seconded to, by motions: (1) approve the 2016 Local Appointments List, (2) designate the Newark Public Library as the library to receive a copy of the list, and (3) direct staff to post the Local Appointments List. The motion passed, 5 AYES.

**F.7 Adoption of a resolution making the five-year findings for the Community Development Maintenance Impact Fee as required by Government Code Section 66001(d). RESOLUTION NO. 10437**

Vice Mayor Collazo requested an oral report.

Community Development Director Grindall stated that the Community Development Maintenance Impact Fee was established to fund major planning efforts such as the Zoning Ordinance update. The fee is one-half percent of construction valuation on building permits.

Vice Mayor Collazo moved, Council Member Hannon seconded to, by resolution make the five-year findings for the Community Development Maintenance Impact Fee as required by Government Code Section 66001(d). The motion passed, 5 AYES.

**F.9 Approval of Contractual Services Agreement with Quincy Engineering, Inc. to provide professional engineering services for the Central Avenue Overpass, Project 1014, Alameda CTC Project No. 1211.001. RESOLUTION NO. 10438 CONTRACT NO. 15044**

Public Works Director Claassen stated that the Central Avenue Overpass Project will construct a grade separation structure (bridge overpass including sidewalks and bicycle lanes) at the railroad crossing on Central Avenue between Sycamore Street and Morton Avenue, resulting in relief of traffic congestion within the Dumbarton Corridor.

In addition to structural bridge and retaining wall design, the scope of work will include civil engineering field work and design; coordination with UPRR, the California Public Utilities Commission and utility companies with facilities in the project limits that may require relocation or protection during the construction. The design will determine the right of way needs for the project and the consultant will provide necessary documentation for any identified acquisition needs. Geotechnical studies will be conducted to address design issues for the bridge structure and retaining walls. A traffic management plan will be completed to determine and address mitigation for the roadway network during construction. The community outreach component that will consist of two public outreach meetings, five stakeholder meetings, media outreach and development of informational materials.

The project will be ready to be publicly bid for construction upon conclusion of the Quincy Engineering contract, estimated in fall of 2017.

Council Member Freitas moved, Council Member Bucci seconded to, by resolution, approve the Contractual Services Agreement with Quincy Engineering, Inc. to provide Professional Engineering Services for the Central Avenue Overpass, Project 1014, Alameda CTC Project No. 1211.001, in an amount not to exceed \$1,894,000. The motion passed, 5 AYES.

**F.10 Approval of solid waste collection and recycling services maximum rates for 2016 with an increase of 3.4% over 2015 maximum rates.**

**RESOLUTION NO. 10439**

Administrative Services Director Woodstock explained how the rates were calculated resulting in a 3.4 percent increase for solid waste collection and recycling services. The average household that uses a 32-gallon cart will see a \$0.98 per month increase. Commercial customers with the average 3-yard bin with a once-a-week pick-up will see an increase of \$10.54 per month.

Mayor Nagy complimented Ms. Woodstock for explaining the technicalities of the contractual rate adjustment in an understandable manner.

Moved by Council Member Freitas, seconded by Vice Mayor Collazo, by resolution, to establish the maximum limit for rates for solid waste collection and recycling services for Calendar Year 2016. The motion passed 5 AYES.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

**I.1 Appointment of Mayor Pro Tempore and authorization for the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments.**

**MOTION APPROVED  
RESOLUTION NO. 10440**

Mayor Nagy recommended the appointment of Council Member Freitas as Mayor Pro Tempore. He complimented Vice Mayor Collazo on her service as Vice Mayor.

Vice Mayor Collazo moved, Council Member Bucci seconded to: (1) by motion, appoint Luis Freitas Mayor Pro Tempore; and (2) by resolution, authorize the new Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments. The motion passed, 4 AYES, 1 ABSTENTION (Freitas).

**I.2 Appointments of City Council Members to agencies, boards, commissions, and committees. RESOLUTION NO. 10441**

Mayor Nagy asked the City Council Members if they wanted to make any changes to their appointments for the upcoming year. Council Member Hannon requested, and Vice Mayor Freitas concurred to switch their appointments on the Alameda County Waste management Authority Board/Stopwaste.org. No other changes were requested. The assignments for 2016 are as follows:

Alameda County Fire Advisory Commission	Council Members Bucci and Collazo – delegate and alternate
Alameda County Library Advisory Commission	Council Members Collazo and Mayor Nagy – delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Bucci and Hannon – delegates
Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Hannon and Freitas – delegate and alternate

Association of Bay Area Governments (ABAG)	Council Member Bucci and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Council Members Nagy and Bucci – delegate and alternate
Newark City Council-Board of Education Liaison Committee	Council Members Hannon and Collazo - delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic Information System Authority	Mayor Nagy - delegate Council Member Bucci - alternate
Tri-City Waste Facility Financing Authority	Mayor Nagy and Council Member Hannon – delegates

Vice Mayor Freitas moved, Council Member Collazo seconded, by resolution, to approve the appointments to the various agencies, boards, commissions, and committees. The motion passed, 5 AYES.

### **I.3 Reappointment of Planning Commissioners Fitts and Otterstetter. RESOLUTION NO. 10442**

Mayor Nagy recommended the reappointment of William Fitts and Debbie Otterstetter to the Newark Planning Commission for another four year term.

Council Member Collazo moved, Council Member Bucci seconded, by resolution, to approve the reappointment of William Fitts and Debbie Otterstetter to the Newark Planning Commission, for a term to expire on December 31, 2019. The motion passed 5 AYES.

Mayor Nagy stated that William Spinola has resigned from the Alameda County Mosquito Abatement District after decades of service.

Council Member Collazo stated that she enjoys serving the community.

Council Member Hannon reminded the public that there are people who need assistance during this time of year.

Vice Mayor Freitas commended the retiring Fire Department employees: Brian Caminada, Tony Connell, Ernie Morua, and Steve Perry. He also commended William Spinola for his service. He wished everyone a safe and prosperous new year.

Council Member Bucci noted that Viola Blythe collects toys for children and needed gifts for older children.

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

**K. ORAL COMMUNICATIONS**

Rich Dominguez thanked the City Council and shared his pleasure that the Motel 6 closed in Newark. He stated that he liked the new homes that were being constructed.

John Marston proposed a revision to the Municipal Code that would allow recreational vehicles parked on residential property for storage purposes only. They could be parked on a driveway or concrete pad only. He shared the situation with his neighbor.

City Manager Becker stated that staff has met with Mr. Marston and the neighbor has been cited. The recreational vehicle is properly screened; however, using it to live in is a violation of the Newark Municipal Code. Mr. Marston needs to notify staff as soon as possible if he sees people living in the recreational vehicle.

**L. APPROPRIATIONS**

City Clerk Harrington read the Register of Audited Demands: Check numbers 106250 to 106418.

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

**M. CLOSED SESSION**

**N. ADJOURNMENT**

At 9:05 p.m. Mayor Nagy adjourned the City Council meeting.

SHEILA HARRINGTON  
City Clerk