



CITY OF NEWARK CITY COUNCIL

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Newark Pavilion
6430 Thornton Avenue, Hall 1
7:30 p.m.

Minutes

Thursday, February 12, 2015

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 22, 2015.

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

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider: (1) adopting a resolution making certain findings and approving an Initial Study and Mitigated Negative Declaration (E-14-44); and (2) adopting a resolution approving ASR-14-45, an Architectural and Site Plan Review, for a commercial laundry facility (Mission Linen Supply) to be located at 6590 Central Avenue (APN: 92A-2165-13-1.

RESOLUTION NO. 10313
RESOLUTION NO. 10314

Assistant City Manager Grindall gave the report recommending approval of the construction of an 118,390 square foot commercial laundry facility (Mission Linen Supply) at 6590 Central Avenue (the former Guardian Packaging/American National Can/Alcan/Pechiney site).

At 7:39 p.m. Mayor Nagy opened the public hearing.

Scott Agee, Agee Engineering, Inc. stated that he read and agree to the conditions in the resolution.

Celmira Bléa asked what chemicals would be used at the location and if there was oversight on the materials.

Mr. Agee stated that there would not be dry cleaning at the facility. The same type of detergent used in homes would be used for washing mainly bed sheets and linens. He stated that regulations were followed for the wastewater.

Joe Carl asked about the fleet at the location and if it would be serviced on site.

Mr. Agree stated that 30 to 40 UPS type trucks and two axle bobtail type trucks would be used for deliveries. Fleet maintenance would be performed on site.

At 7:46 p.m. Mayor Nagy closed the public hearing.

The City Council discussed the employment that would be associated with this project.

Council Member Freitas moved, Council Member Bucci seconded to: (1) adopt a resolution making certain findings and approving an Initial Study and Mitigated Negative Declaration (E-14-44); and (2) adopt a resolution approving ASR-14-45, an Architectural and Site Plan Review, for a commercial laundry facility (Mission Linen Supply) to be located at 6590 Central Avenue (APN: 92A-2165-13-1). The motion passed, 5 AYES.

- E.2 Hearing to consider: (1) A resolution making certain findings and adoption of an Initial Study and Mitigated Negative Declaration; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code, Section 17.44.010 “Zoning Map” by rezoning all that real property shown on Vesting Tentative Map 8212 (APN: 92A-775-46) from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) A resolution approving Vesting Tentative Map 8212; and (4) A resolution for a planned unit development, and a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive.**

**RESOLUTION NO. 10315
RESOLUTION NO. 10316
RESOLUTION NO. 10317
INTRODUCTION OF ORDINANCE**

Assistant City Manager Grindall gave a powerpoint presentation (on file with the City Clerk) recommending approval. Classic Communities, Inc. has proposed building 77 detached homes at the Ruschin School site. Single story homes would be built adjacent to the existing homes with the remainder of the development consisting of two story

homes. The project will result in \$20 million to the Newark Unified School District, \$2 million to the City for affordable housing and \$500,000 to the City for parks.

Gary Black, Hexagon Transportation Consultants, Inc. presented a powerpoint on the traffic analysis (on file with the City Clerk). Mr. Black stated that the traffic study estimated the new traffic that would be added to the area and reviewed the added traffic against City policies. He estimated that the project would result in 733 new trips per day. This site used to be a school that would have generated substantially more traffic than the proposed project.

The City Council discussed the traffic in the area.

Mr. Black and Assistant Engineer Fajeau described what conditions would warrant a signal in the neighborhood.

Jim Pollart, Classic Communities gave a powerpoint presentation (on file with the City Clerk). The development would consist of 77 homes with 3 distinct home types. The homes would range from 1700 to 2300 square feet. There would be 18 unique home designs, all with 2 car garages and 2 car driveways. He stated that 1 story homes would be built around the perimeter of the development to minimize impacts to the existing neighbors. He noted that the majority of new development in the Bay Area consists of two and three story homes.

At 8:39 p.m. Mayor Nagy opened the public hearing.

Tim Jones stated that he was in favor of the project. He encouraged the audience to visit a local school to see the traffic jams. He did not think the new home traffic would be as bad as school traffic. He stated that property values will go up as a result of this project. He thought the current building was an eyesore that attracted crime.

Ricardo Corte stated that he lives in front of the development. He expressed his disappointment with the community meetings and his experience at the Planning Commission meeting. He stated his opinion that the project contradicted the General Plan. He proposed a compromise of 60 units. Mr. Corte submitted a petition against the project to the City Clerk.

Jack Burgess stated that he sent a detailed letter to the City Council outlining his concerns. He stated that the benefits described by Assistant City Manager Grindall were not benefits to the community. He requested that the City Council judge the project on its merits only, not on the payment to the school district.

Jacque Burgess stated that there was a misconception by supporters that all neighbors were against proposal. She stated that she felt shut out of the previous meetings. She wanted the school district to succeed, but that there were limitations on what the money could be used for. She proposed a compromise of 60 homes.

Dave Kiaski stated that he was not opposed to the development of the site, but he had problems with the way it has been proposed. He asked that the site not be developed to the detriment of the neighborhood.

Maria Rivas stated that she was shocked at the comments about the school district. She stated that the schools are old and need to be fixed for the children. The developer has been accommodating to the neighbors needs and the project will be wonderful.

Ron Katsanes proposed reducing the houses to 65, increasing the lot sizes and adding 24 parking spaces in a centralized location for visitors. He proposed a selling price of \$825,000 for the homes resulting in approximately \$4.4 million less than proposed \$20 million. He stated this would ease traffic congestion and still provide funding.

Celmira Bléa stated that she attended the Home Depot meeting and thought the traffic data presented for that project was skewed. She was concerned with the traffic for this project and thought that the City should plan for the traffic calming measures now. She would like people who serve Newark to be able to live in this development.

Connie King stated that traffic is bad in this area and cited her neighbor's recent auto accident. She requested that the City Council reduce the number of homes. She stated that she was told when the project was at 85 homes that reducing by one would end the project; now it is at 77 homes. She described the community meetings.

Allen Mikkelson stated that he was the driver involved in the auto accident described by Ms. King. He is also concerned with the traffic. He proposed 55 homes with lot sizes comparable to the existing neighborhood.

Lisa Haney stated that her backyard faces Ruschin School. She understood that the schools need money but thought 77 homes was too much. She proposed 45 to 60 homes. She stated that her property value will not increase because of the new homes.

Marguerite Durand stated that the school district needs the money to upgrade the schools. She thought that people moved out of Newark because of the schools. She stated that traffic is a fact of life in California; it is dealt with by taking different routes. She stated the homes that will benefit Newark.

Debbie Romero requested that the City Council approve the project as presented. She has been encouraged by the recent developments in the City. Jobs and new housing will bring more businesses. She stated that inconvenience is not a good enough reason to prevent the project.

Chuck Ontiveroz stated that it was a good project, but too many homes for the area. He asked a number of questions and requested that the City Council reconsider the size of the project.

Assistant City Manager Grindall responded to Mr. Ontiveroz's questions. Kennedy School would service this area. The homes driveways are 20 feet in length or more. The Fire Marshall reviewed the plans and the driveway access is adequate. The Public Works reviewed the plans for garbage truck access. He cited the Carter Station as a project with a similar lot size.

Council Member Bucci left the City Council Chambers.

At 9:26 p.m. Mayor Nagy called for a recess.

At 9:42 p.m. the City Council meeting resumed with all Council Members present.

Christine Herrera stated that she supported the project because this is what Newark needs. The City's future depends on growth. She asked the City Council to think of all of Newark, not just the neighborhood. She stated that the neighbors did not see Dr. Marken's passion for the schools and students.

Jennifer McMenemy stated that the benefits outweigh the inconvenience. New tax paying citizens need to be welcomed to the community. She requested that the City Council approve the plan as presented.

Tony Doot stated that new homes are inevitable due to the population growth in the Bay Area. The developer has already reduced the original project size by half. Developers are not building large lots anymore. The community needs a balance of building heights and a greenbelt around the City.

Victor Hernandez requested that the City Council approve the project to benefit the schools and the City. He stated that he is a volunteer coach for the Newark Soccer Club and they use the parks.

Dave Marken stated that that there are 595 homes in the current neighborhood. Adding 77 homes would be an increase of only 13 percent. He stated that if the school district thrives, then the city thrives and vice versa. The sale is needed for an infusion of funds to help propel the school district. He noted that school enrollment is down from 14 years ago so overcrowding is not an issue.

Adriana Lopez stated that she supports the project as presented. The experts have done their job. Equity will increase in the surrounding houses. The project will bring growth to the City.

Estela de Cardenas requested that the City Council approve the project as proposed. The development will improve the entire neighborhood.

Lucir Schlickmann stated that housing in the Bay Area is built up to 3 stories. This development is less than 3 stories. The school is abandoned and a magnet for crime. The development will be good for the City. Businesses will not leave if there are more

people to patronize them. She noted that people do not buy the house, they buy the school.

Art Lodewykx stated that traffic is a mess and the development will increase the traffic. He stated that the City is not responsive to traffic mitigation needs. He thought they were getting sold out and will have to live with the consequences of supporting the school district. The entire City should help with the burden.

Elisabeth Huffmaster stated that she was concerned about families who look at Newark schools and wonder if they should stay. She bought her home so her children could attend Bunker School and receive an enriched education. Companies are coming into Newark and their employees will be looking at our schools. She encouraged approval of the project.

Michelle Padilla stated that the Ruschin School site needs to be utilized. She has been impressed with the revisions made by the developer. Traffic is a fact of life in California. She requested approval of the project.

Hilary White stated that quality of teaching is wonderful, but the school facilities need to come up to par with the quality of teaching. She requested that the City Council approve the project as presented.

Julia Martinez stated that she supports the project. She asked that the City Council approve the project “as is” for the good of the children and the City.

Michelle Pimentel stated that she supports the development. Newark needs business and residential growth for the City and the School District. The number of homes has been reduced by the developer for a great compromise.

Cathreen Ingham Watters stated her support for the project. The number of homes has been reduced and it is time to move forward with the approval.

Donne Hanifin stated that she is pleased with the City for the changes at NewPark Mall. She noted a previous speaker’s comments about the whole community supporting the School District. The whole Newark community supports the school district through their taxes. She noted that she has lived in her Newark home for 38 years and the taxes are not very high.

Larry Simon stated that the project is good for the City. He stated that he thought Newark has been sagging over the last 10 years. The recent housing developments are good things for the community. New residents are the lifeblood for the community.

Noel Doot stated that children receive a fine education from Newark schools. The community recently passed a bond requiring all taxpayers to do their part. The Developer and the City has done its homework and a lot of compromise has been made. She supported the project as proposed.

Karena Guitierrez stated that she supports the development.

Jim Pollart, Classic Communities stated that he read and agreed to the conditions in the resolutions.

At 10:25 p.m. Mayor Nagy closed the public hearing.

Each of the City Council Members stated their reasons for supporting the development.

Council Member Hannon requested that the developer consider a credit or assistance to help public employees buy some of the homes.

Council Member Bucci moved, Vice Mayor Collazo seconded to: (1) approve a resolution making certain findings and adopting an Initial Study and Mitigated Negative Declaration for a 77 unit single-family subdivision on the former Ruschin School Site (APN:92A-775-46); (2) introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code, Section 17.44.010 “Zoning Map” by rezoning all that real property shown on Vesting Tentative Map 8212 (APN: 92A-775-46) from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) approve a resolution approving Vesting Tentative Map 8212 and Subdivision and Zoning Variances Thereto; and (4) approve a resolution approving P-14-41, a planned unit development, and U-14-42, a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive. The motion passed, 5 AYES.

Mayor Nagy requested that staff work with the residents on Lafayette Avenue to mitigate the traffic issues.

At 10:42 p.m. Mayor Nagy called for a recess.

At 10:55 p.m. the meeting resumed.

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Acceptance of contract with New Image Landscape Company for Park and Landscape Maintenance Services Project 1007B.

RESOLUTION NO. 10318

F.2 Approval of the allocation of anticipated Community Development Block Grant Jurisdiction Improvement Project Funds for Fiscal Year 2015-2016.
MOTION APPROVED

F.3 Authorization for the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2015 Music at the Grove Program.
RESOLUTION NO. 10319
CONTRACT NO. 15003

F.4 Approval of an agreement for legal services with Silver & Wright, LLP.
RESOLUTION NO. 10320
CONTRACT NO. 15004

F.5 Approval of specifications, acceptance of bid, and award of agreement to Staples Contract and Commercial, Inc. for Silliman Activity and Family Aquatic Center Meeting Room Replacement Tables.
RESOLUTION NO. 10321
CONTRACT NO. 15005

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn the meeting in memory of former City Manager Richard Turnland and Planning Commissioner Janet Drews. The entire City Council extended their condolences to the families of Janet Drews and Richard Turnland.

Mayor Nagy stated that because there are two vacancies on the Planning Commission, the Council might want to consider reducing the membership to a 5 member commission.

City Manager Becker stated that staff would provide a report on the viability of reducing the number of planning commissioners at a future meeting.

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 adopting and endorsing the Recognized Obligation Payment Schedule for the period of July to December 2015 (ROPS 15-16A). RESOLUTION NO. SA 2015-1

Administrative Services Director Woodstock gave the staff report recommending approval. The only obligation remaining from the dissolution of the Newark Redevelopment Agency is the loan from the City to the Newark Redevelopment Agency. The outstanding debt on the loan is \$404,241. The Agency can request \$48,007 in Fiscal Year 2015-2016 for repayment of the loan. The Agency will request half of each of these amounts on ROPS 15-16A and the second half on ROPS 15-16B.

Council Member Collazo moved, Council Member Hannon seconded to adopt and endorse the Recognized Obligation Payment for the period of July to December 2015 (ROPS 15-16A). The motion passed, 5 AYES.

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 103694 to 103889.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 11:07 pm Mayor Nagy adjourned the meeting in memory of Janet Drews and Richard Turnland.

SHEILA HARRINGTON
City Clerk