



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, March 26, 2015

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:31 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, March 12, 2015.

Council Member Bucci moved, Council Member Hannon 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) Certifying a Recirculated Final Environmental Impact Report addressing and disclosing the Environmental Impacts of the Newark Areas 3 and 4 Specific Plan Project and approving a Mitigation Monitoring and Reporting Program; 2) Approving the Newark Specific Plan: Areas 3 and 4 of the General Plan and related General Plan amendments: A map amendment to the General Plan Diagram to change the General Plan land use designations for certain parcels of land; 3) Introducing an Ordinance approving the Newark Areas 3 and 4 Specific Plan Project Development Agreement and; 4) Introducing an Ordinance approving a Map Amendment to Title 17 (Zoning) of the Newark Municipal Code Rezoning Parcels to be Consistent with the Newark Specific Plan: Areas 3 and 4 of the General Plan.

RESOLUTION NO. 10329-10330
ORDINANCES INTRODUCED (2)

Assistant City Manager Grindall gave a presentation (On file with City Clerk) on the Area 3 and 4 development which would include housing, parks, a school site, open space, and a golf course or other recreational amenity. He noted that some of the land in Area 4 would be permanently preserved as open space. The previous approval was subject to litigation, resulting in the recirculated documents presented tonight.

In response to City Council questions, Assistant City Manager Grindall confirmed that if the golf course was not built, the same acreage would be used for another recreational amenity. The City will receive \$3 million for affordable housing. He discouraged changing the ratio, at this time, of 1.5 acres restored for the impacted wetlands as it was subject to regulatory approval.

Mayor Nagy opened the public hearing at 7:57 p.m.

Tim Steele, Sobrato Organization, stated that the Newark Partners, LLC collectively owned property in the area since the mid-1980s. He stated that he read and agreed to the conditions.

Carin High, Citizens Committee to Complete the Refuge, presented a letter (On file with City Clerk). She stated that the preservation of Area 4 was recommend in the 1999 San Francisco Bay Area Wetlands Ecosystem Goals Project, The Tidal Marsh Ecosystem Recovery Plan and is a goal of the Refuge Expansion Boundary. She stated that since the 1980s state and federal agencies have recommended that Area 4 be preserved. She requested that the City Council preserve the land.

Margaret Lewis, Citizens Committee to Complete the Refuge, stated that the area with the proposed recreational amenities has wetlands, is very low lying, and has a high water table. She stated that development was not going to happen in Area 4.

Ricardo Corte stated that he supported the development of Area 3, but that Area 4 should be preserved. He thought that homes in Area 4 would be at risk of liquefaction and flooding. He noted that several regulatory agencies and environmental groups have expressed their disapproval of this project. Mr. Corte presented a petition against the project (On file with City Clerk).

Celmira Blea, stated that she was concerned with the environment and would like Area 4 protected. She stated that the proposed golf course would use tons of water and water rates will increase this year. She hoped that fire and police service will grow with the expected population increases.

Mayor Nagy closed the public hearing at 8:14 p.m.

Assistant City Manager Grindall noted that the resolution certifying the Recirculated Final EIR had minor amendments and requested that the City Council approve that version.

Vice Mayor Collazo moved, Council Member Bucci seconded to adopt: 1) Resolution certifying a Recirculated Final Environmental Impact Report for the Newark Areas 3 and 4 Specific Plan Project, including a Statement of Overriding Considerations and approval of a Mitigation Monitoring and Reporting Program; 2) Resolution approving and adopting the Newark Areas 3 and 4 Specific Plan and related General Plan amendments: A map amendment to the General Plan Diagram to change the General Plan land use designations for certain parcels of land (GP-10-13); 3) Introducing an Ordinance approving the Newark Areas 3 and 4 Specific Plan Project Development Agreement and; 4) Introducing an Ordinance approving Z-10-17, a Map Amendment to Title 17 (Zoning) of the Newark Municipal Code Rezoning Parcels to be consistent with the Newark Areas 3 and 4 Specific Plan. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Vice Mayor Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.3, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 5 AYES.

CONSENT

- F.1 Approval of Contractual Services Agreement with North American Title Company to provide Preliminary Title Reports for the Central Avenue Overpass, Project 1014.**
RESOLUTION NO. 10331
CONTRACT NO. 15007
- F.2 Second reading and adoption of an ordinance amending Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the number of Planning Commissioners from seven to five.**
ORDINANCE NO. 483
- F.3 Acceptance of proposal and authorization for City Manager to sign an agreement with Utility Telephone for the extension and enhancement of telecommunications services and associated budget amendment.**
RESOLUTION NO. 10332
CONTRACT NO. 07042

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Authorization for the Mayor to send a letter to the Office of Management and Budget to encourage support for specific actions to improve rail safety with respect to the transport of crude oil and other hazardous materials by rail. MOTION APPROVED**

Mayor Nagy stated his support for this letter.

Paul Rea stated that the letter before the City Council was strong. If a project in another part of the state is approved, then there will be trains with 100 cars carrying crude oil through the area. He mentioned recent train accidents that firefighters had to let burn over several days.

Sandy Cashmark stated that she was worried about trains carrying crude oil. She stated that these trains travel over the Feather River, one of the main sources of water, with very old bridges not built for 100 cars traveling over them. The crews on the trains are also being decreased.

Council Member Bucci stated that the railroads are federally regulated so the City could not ban the trains. He stated that the City of Santa Maria is the home of the Phillips 66 refinery rail project that has statewide impact. He wrote a letter against the project and encouraged others to do the same.

Vice Mayor Collazo moved, Council Member Bucci seconded to by motion, authorize the Mayor to send a letter to the Office of Management and Budget to encourage support for specific actions to improve rail safety with respect to the transport of crude oil and other hazardous materials by rail. The motion passed, 5 AYES.

Mayor Nagy stated that he would adjourn the meeting in memory of Ann Joly and Joe Maes. The entire City Council extended their condolences.

Council Member Hannon extended his condolences to the family of San Jose Police Officer Michael Johnson who was killed in the line of duty.

Vice Mayor Collazo encouraged the public to attend Family Day in the Park.

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

K. ORAL COMMUNICATIONS

Gregory Lemos stated that the Alameda County Water District has raised rates over 12 consecutive years. He requested that the individual City Council Members send letters objecting to the proposed new increases. He noted that the opening in the sidewalk that he mentioned at a previous meeting was still in place.

Frankie Addiego stated that his book *Images of America - Newark* will be available for sale in August. There will be a fundraiser at the Newark Pavilion for the Ohlone College Nursing Program on Friday. He referred to the statement by Mr. Lemos and noted that when a resource is scarce, the supplier raises prices.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 104146 to 104243.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:43 p.m. Mayor Nagy adjourned the City Council meeting in memory of Ann Joly and Joe Maes.

SHEILA HARRINGTON
City Clerk