



CITY OF NEWARK CITY COUNCIL

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MINUTES **Thursday, September 14, 2017**

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:33 p.m. Present were Council Members Hannon, Collazo, Freitas, and Vice Mayor Bucci.

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, July 27, 2017. MOTION APPROVED

Council Member Hannon moved, Council Member Collazo seconded, to approve the Minutes of the special and regular City Council meetings of Thursday, July 27, 2017. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of Employees.

Mayor Nagy introduced Police Officers Joseph Hunter, Dejuan Johnson, and Public Safety Dispatcher Luz Borja to the City Council.

C.2 Commending Sriya and Sahith Kudaravalli.

Mayor Nagy presented commendations to Sriya and Sahith Kidaravalli for the Vial of Life supplies they made for the Senior Center.

C.3 Proclaiming September 14-17, 2017, as Newark Days.

Mayor Nagy presented a proclamation to members of Newark Days Celebration, Inc.

C.4 Presentation of Draft Dumbarton Transportation Corridor Study.

April Chan from the San Mateo County Transit District gave a presentation on the Draft Recommendations included in the Dumbarton Transportation Corridor Study. The presentation is on file with the City Clerk. SamTrans reviewed the entire transportation corridor in the Dumbarton area, including Route 84 and all the approaches. They are now in the process of holding public meetings and will be

reviewing all comments with the possibility of going back to the SamTrans Board in November to present final recommendations.

Mayor Nagy stated that Ms. Chan did not mention anything about the “Park and Ride” lots and said the one in Fremont at 84 fills up quickly and is out of space. Ms. Chan said that in their recommendations for 2025 they are looking at additional “Park and Ride” lots and are recommending improvements and expansion of the Ardenwood lot.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 6271 Brittany Avenue.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

D.2 Zoning Administrator referral of an Administrative Special Civic Review, for an accessory structure addition to a single-family residence at 38244 Aralia Drive.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

D.3 Advice of Planning Commission approval of a conditional use permit for a haunted house attraction to be held from September 28 through November 1, 2017 at 5530 Newpark Plaza.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

E. PUBLIC HEARINGS

E.1 Approval of Revised Preliminary Engineer’s Report, Public Hearing and tabulation of ballots for annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer’s Report and approve the annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19.

**RESOLUTION NO. 10691
RESOLUTION NO. 10692**

Assistant City Engineer Imai gave the staff report.

He stated that because corrections were made to the previously approved Preliminary Engineer's Report, the City Council must first consider whether or not to approve the Revised Preliminary Engineer's Report.

No one from the public spoke.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Revised Preliminary Engineer's Report. The motion passed, 5 AYES.

Mayor Nagy opened the public hearing at 8:12 p.m. No one spoke.

Mayor Nagy closed the public hearing at 8:13 p.m.

In response to Council Member Hannon, Assistant City Engineer Imai stated that the total assessment would be \$3,923.68. At 88 units, the individual assessment would be \$45.59 per condo unit.

Deputy City Clerk Slafter tabulated the ballots. A single ballot was opened – one yes vote. No majority protest exists.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Final Engineer's Report and approve the annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19. The motion passed, 5 AYES.

E.2 Approval of Revised Preliminary Engineer's Report, Public Hearing and tabulation of ballots for annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer's Report and approve the annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19.

**RESOLUTION NO. 10693
RESOLUTION NO. 10694**

Assistant City Engineer Imai gave the staff report.

He stated that because corrections were made to the previously approved Preliminary Engineer's Report, the City Council must first consider whether or not to approve the Revised Preliminary Engineer's Report.

No one from the public spoke.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Revised Preliminary Engineer's Report. The motion passed, 5 AYES.

In response to Council Member Hannon, Assistant City Engineer Imai stated that the total assessment would be \$2,720.25. At 75 units, the individual assessment would be \$36.27 per apartment.

Mayor Nagy opened the public hearing at 8:19 p.m. No one spoke.

Mayor Nagy closed the public hearing at 8:20 p.m.

Deputy City Clerk Slafter tabulated the ballots. A single ballot was opened – one yes vote. No majority protest exists.

Vice Mayor Bucci moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Final Engineer's Report and approve the annexation of the Senior Housing Project to Zone 3 of Landscaping and Lighting District No. 19. The motion passed, 5 AYES.

E.3 Hearing to consider approval of a General Plan Amendment to incorporate by reference the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the General Plan.
RESOLUTION NO. 10695

City Manager Becker gave the staff report.

Mayor Nagy opened the public hearing at 8:23 p.m. There were no speakers.

Mayor Nagy closed the public hearing at 8:24 p.m.

Council Member Freitas moved, Vice Mayor Bucci seconded, that the City Council, by resolution, approve a General Plan Amendment (GP-17-13) to incorporate the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the Newark General Plan Environmental Hazards Element by reference. The motion passed, 5 AYES.

E.4 Hearing to consider a planned unit development, an environmental determination, vesting tentative tract map 8387, a conditional use permit, and a waiver of certain fees for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street.
RESOLUTION NO. 10696
RESOLUTION NO. 10697
MOTION APPROVED

Assistant City Manager Grindall gave the staff report.

The City Council discussed the historical marker, the fee waiver and the train tracks near the project.

Mayor Nagy opened the public hearing at 8:38 p.m.

The applicant, Singhi Pindarium, principal at BKBC Architects of Walnut Creek, said he read and agrees with the conditions contained in the resolution for approval.

Mayor Nagy closed the public hearing at 8:40 p.m.

Vice Mayor Bucci stated his concerns for three-story projects and minimum parking.

Council Member Freitas moved, Council Member Collazo seconded, that the City Council, by resolutions: (1) approve P-17-05, a planned unit development, E-17-06, environmental determination, and U-17-08, a conditional use permit to allow for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street (APN(s) 092-0131-001-09, 092-0131-002-04 AND 092-0131-003; (2) approving vesting tentative tract map 8387 and subdivision and zoning variances thereto; and (3) by motion, waive the Art in Public Places and Private Development impact fee. The motion passed, 4 AYES, 1 NO (Vice Mayor Bucci).

E.5 Hearing to consider a planned unit development, a conditional use permit, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street.

RESOLUTION NO. 10698
RESOLUTION NO. 10699

Assistant City Manager Grindall gave the staff report.

Vice Mayor Bucci stated he was concerned that with 147 rooms, 34 employees and retail space, that staff was recommending 119 parking spaces. He stated that parking will be an issue and asked staff to expand on the plan. Assistant City Manager Grindall stated there will be shuttle service, car sharing, bicycles for use of the residents, and transit reductions in prices for employees. Also, parking will be evaluated on an annual basis to address any issues.

Mayor Nagy opened the public hearing at 8:56 p.m.

Henry Cord, representing the applicant, Tony and Raya Bank, said he read all the conditions and agrees.

BJ Minelli asked if the City included parking for the restaurant or bars in the project. Assistant City manager Grindall said they were analyzed as part of the parking demand. Mr. Minelli said lack of parking will be detrimental to the project and customers will park in the adjacent neighborhoods.

Satia Dimopoli said parking is an issue at hotels. He would like to see the option of a valet.

Assistant City Manager said a valet is a likely measure if parking becomes an issue.

Mayor Nagy closed the public hearing at 9:01 p.m.

Council Member Hannon would like to include the Oakland Airport in the shuttle service and to extend service an hour longer than the airport hours. He requested that Assistant City Manager Grindall present to Council, after the first year of operation, a brief summary of the TDM status and whether additional mitigation measures would be needed.

Mayor Nagy recalled the applicant for an additional condition. Council Member Hannon asked the applicant about language in the parking analysis about shuttle service; it does not specify the hours of the shuttle service. He wanted to know 1) Can the Oakland Airport be added to the service? and 2) Can the shuttle hours be consistent with the airport hours plus one so that travelers would have the opportunity to take a shuttle to the hotel? The applicant said that would not be a problem. Assistant City Manager Grindall said this could be replaced with free Uber or Lyft service, not necessarily a shuttle.

Vice Mayor Bucci reiterated his concerns about minimum parking and the long-term effects.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolutions: (1) approve P-17-01, a planned unit development, and U-17-02, a conditional use permit to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03); and (2) making certain findings and adopting an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03). The motion passed, 4 AYES, 1 NO (Vice Mayor Bucci).

E.6 Public Hearing to Consider: (1) Introduction of an Ordinance Adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to Require a Permit for Special Events Held in the City of Newark; and (2) Adoption of a Resolution to Amend the Master Fee Schedule to Include a Special Event Permit Processing Fee.

**ORDINANCE INTRODUCED
RESOLUTION NO. 10700**

City Manager Becker gave the staff report.

Mayor Nagy opened the public hearing at 9:17 p.m.

There were no speakers, and Mayor Nagy closed the public hearing at 9:18 p.m.

Vice Mayor Bucci moved, Council Member Collazo seconded, that the Council open a public hearing, receive testimony from the public, and consider staff's recommendation to: (1) introduce an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark and (2) adopt a resolution to amend the Master Fee Schedule to include a special event permit processing fee. The motion passed, 5 AYES.

F. CITY MANAGER REPORT

Vice Mayor Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.9, 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 Authorization for the purchase of a 2018 Ford F-250 Truck as a replacement vehicle for the Maintenance Division of the Public Works Department through Downtown Ford Sales with outfitting by Classic Graphics – from Maintenance Supervisor Connolly.**
RESOLUTION NO. 10701
- F.3 Authorization for the purchase of a 2018 Ford F-350 Cab/Chassis with a Scelzi Utility Body as a replacement vehicle for the Maintenance Division of the Public Works Department through Downtown Ford Sales with outfitting by Classic Graphics.**
RESOLUTION NO. 10702
- F.4 Authorization for the Mayor to sign a Memorandum of Understanding with developers in the Dumbarton Transit Oriented Development Specific Plan Area regarding future reimbursement of waterline extension costs.**
RESOLUTION NO. 10703
CONTRACT NO. C17040
- F.5 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program for Fiscal Year 2017-2018.**
RESOLUTION NO. 10704
CONTRACT NO. C17041

- F.6** Initiation of proceedings for annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19, approval of the Preliminary Engineer’s Report, declaration of intention to order annexation of Tract 8098 to the assessment district, and setting of public hearing date on November 9, 2017. **RESOLUTION NO. 10705**
- F.7** Adopting a Compensation Plan for Certain Positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) Classifications, and Revoking Resolution No. 10,570. **RESOLUTION NO. 10706**
- F.8** Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 for Capital Improvement Plan Budget Rollover and Budget Revisions. **RESOLUTION NO. 10707**
- F.9** Authorization for the purchase of a replacement pool slide at the Silliman Family Aquatic Center, declaration of Whitewater West Industries, Ltd. as the single source manufacturer, and amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018. **RESOLUTION NO. 10708**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy reminded everyone that the City is celebrating Newark Days this weekend and to come out and enjoy all the fun including the cutting of the birthday cake on Sunday, September 17.

Council Member Collazo wished everyone a happy weekend and invited all to come out for the parade, hay stack, and other entertainment. She reminded everyone that Saturday, September 16, is Mexican Independence Day.

Vice Mayor Bucci invited everyone to participate in the Newark Days festivities especially movie night Friday, September 15.

Council Member Hannon wanted to thank all public safety officers. Many agencies sent volunteers to help the victims of the hurricanes, and he reminded everyone that during times of need Americans rally around each other.

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

K. ORAL COMMUNICATIONS

Greg Lemos thanked Public Works Director Fajeau for the sign at the pedestrian and school crossing. He said there is a lot of broken concrete between Smith Avenue and Moore Avenue and suggested utilizing the Boy Scouts to document problem areas. He also asked if the City could get an app for reporting problems like that.

Satia and his neighbor, Vakit, live in the new Prima development and are experiencing high levels of noise from events held at Swiss Park. There is no noise ordinance and calls to the Police Department are left to the discretion of the dispatcher or officer.

Mayor Nagy advised them that staff is working on a noise ordinance and City Manager Becker said the Special Event Permit should help.

Mayor Nagy explained that the City Council cannot take action at the council meetings and would refer the matter to staff for review.

Satia said he would like to see the noise ordinance expedited.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of September 14, 2017. MOTION APPROVED

Deputy City Clerk Slafter read the Register of Audited Demands: Check numbers 111760 to 112280.

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 meeting at 9.42 p.m.