



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, February 25, 2016

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the special City Council meeting of February 4, 2016, the special City Council meeting of February 11, 2016, and the regular City Council meeting of February 11, 2016.

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

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider Gateway Station West, a 589-unit residential project within the Dumbarton Transit Oriented Development Specific Plan area located along Willow Street at the western edge of the City. The City Council will consider: (1) by resolution, adopting a Supplemental Environmental Impact Report to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) by introduction of an ordinance, approving a rezoning for an approximately 41-acre area (APNs: 537-852-9, 537-852-10 and 537-852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) by resolution, approving a planned unit development and a conditional use permit; (4) by resolution, approving, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) by motion, approving an Architectural and Site Plan

Review; and (6) by resolution, authorizing the Mayor to sign a Community Financing Agreement with Dumbarton Area 2, LLC – from Assistant City Manager Grindall.

**RESOLUTION NOS. 10461 to 10464
ORDINANCE INTRODUCED
MOTION APPROVED
CONTRACT NO. 16008**

Assistant City Manager Grindall gave the staff report recommending approval. The project is a 589 unit development consisting of 321 detached and 286 town homes. The project will have open space and parks including 1.58 acres of bayside trail that would be eligible for the designation of Bay Trail. He highlighted the various fees that the city will receive as a result of this project including a recently negotiated Community Improvement Contribution of \$2.9 million.

In response to City Council questions, Assistant City Manager Grindall stated that the Bay Trail designation could be requested once the improvement plans were in place, the fees are paid when the units were occupied, which he estimated to be 18 months for this project, the market could have a rent subsidy if it was needed and the dog park will be 14,000 square feet and would primarily serve the residents in the area.

Mayor Nagy opened the public hearing at 7:50 p.m.

Stephen Nideker, Project biologist, stated that this project uses land efficiently, reduces pollution, and urban sprawl. The project preserves 20 acres of open space and 63 percent of the waters on the site.

Michael Strieff, Project architect, gave a presentation on the site plan.

Mark Butler, representing Integral Communities, said that he had read the resolutions and agreed to the conditions.

In response to Council Member Hannon, David Claycum, stated that the differences in the soil will determine the depth of the soil removal. There are specific requirements for the disposal of the soil.

Stephen Lawrence Newark Parks Foundation, requested that the City delay the vote until the parks impact fee could be reassessed or have the fees calculated after the fee is reassessed using current land values. He provided a handout of a Newark Park Impact Fees study that compared the fee to local cities.

Angela Akridge Newark Parks Foundation, stated that she calculated a Park Impact Fee of \$20,910 per unit using Newark's formula and the value of the land sold at the Rucshin School site.

Mayor Nagy stated that the Ruschin School Site is premium land that cannot be compared to the value of this location.

Ms. Akridge stated that she would not vote for this project without an appraisal.

Council Member Hannon stated that they need to look at the total package of the project with \$25 million in fees, the developer agreed to double the community contribution, the land for the bayside trail, and the land cleaned up.

Ms. Akridge requested more time to look at this project and for the City Council to not vote on this tonight. She asked if there were discounts for small passive spaces.

Assistant City Manager Grindall stated that the park impact fee is paid in addition to the small privately held spaces such as tot lots or paseos. There would not be a credit against the park impact fee for the small passive spaces.

Council Member Bucci stated that the other fees make up for park impact fees. Staff will be reviewing the fees in the future to stay competitive with other cities. The affordable housing fees will do a lot of good in this community. This project has been in the works for years and he supported moving forward.

Council Member Collazo stated that they have been working on this project for a long time. She supported the project and did not want to change the fees at this time.

Mayor Nagy closed the public hearing at 8:27 p.m.

Mayor Nagy stated that this land will be cleaned up and beautified. He requested that staff look at more dynamic ways to calculate fees. He did not think they should change the fees for this project now.

Council Member Bucci moved, Council Member Hannon seconded to (1) Adopt a resolution certifying a Supplemental Environmental Impact Report for a zoning amendment and other entitlements allowing development of a total of 589 single- and multi-family residential units (Gateway Station West) on approximately 41 acres (Assessor Parcel No. 537-0852-009; 537-0852-010; and 537-0852-011) and approximately 13.5 acres of designated open space with the Dumbarton Transit Oriented Development Specific Plan; (2) Introduce an ordinance amending Title 17 of the Newark Municipal Code being the City of Newark Zoning Ordinance by rezoning approximately 41 acres (APN's: 537-852-9; 537-852-10; 537-852-11) from MT-1 (High-Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) By resolution, approve P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) Adopt a resolution approving TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) By motion, approve

ASR-14-51, an Architectural and Site Plan Review; and (6) By resolution, authorize the Mayor to sign a Community Financing Agreement with Dumbarton Area 2, LLC. subject to the amendment provided to the City Council before the meeting. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.5, 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 Acceptance of contract with New Image Landscape Company for Park and Landscape Maintenance Services Project 1007C. RESOLUTION NO. 10465**
- F.2 Authorization for the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2016 Music at the Grove Program. RESOLUTION NO. 10466
CONTRACT NO. 16009**
- F.3 Acceptance of work with G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093 RESOLUTION NO. 10467**
- F.4 Initiation of the 2016 Weed Abatement Program and setting April 14, 2016 for a public hearing. RESOLUTION NO. 10468**
- F.5 Authorization for the Mayor to sign an Amendment to extend the Auditing Services Agreement with Badawi & Associates. RESOLUTION NO. 10469
CONTRACT NO. 09015**

NONCONSENT

- F.6 Status Report on emergency expenditure for replacement of heater for Lazy River at Silliman Activity and Family Aquatic Center.**

City Manager Becker stated that the installation of the new heater installation was completed on February 18, 2016. The lazy river and splash down pool are in service.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy complimented City Manager Becker who assisted a Fremont resident in obtaining a refund on an appliance purchase in Newark.

Council Member Bucci congratulated Ken Smith who received an award from State Senator Bob Wieckowski at the African-American Heritage Leadership Awards Ceremony. Council Member Bucci welcomed Kyle Daltron who was attending the meeting to earn his civic badge for the Boy Scouts.

Vice Mayor Freitas asked Assistant City Manager Grindall to give an update on the status of Orchard Supply Hardware, Raley's Supermarket, and Mission Linen.

Assistant City Manager Grindall stated that Mission Linen is moving forward with their building permit. There has been no movement on the Orchard Supply Hardware and Raley's Supermarket locations.

Council Member Hannon stated that he attend a meeting at Snow School regarding curriculum studies. He commended the dedicated teachers and principals in Newark.

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

K. ORAL COMMUNICATIONS

Mary Campbell stated that the doors at the Silliman Center are difficult to open for the aging, frail, and parents with strollers. She requested that automatic doors be installed.

Mayor Nagy stated that automatic doors will be installed as part of the Capital Improvement Plan in the next Biennial Budget.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of February 25, 2016. **MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 106998 to 107114.

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

At 8:46 p.m. Mayor Nagy adjourned the meeting.

At 8:47 p.m. Mayor Nagy reconvened the meeting to allow Angela Akridge to speak under Oral Communications.

Council Member Collazo left the meeting.

Angela Akridge, Newark Parks Foundation reviewed the park impact fee discussion. She discussed the potential amenities for Newark and the love of families for the parks. She stated that they need to grow the park fund.

Mayor Nagy adjourned the meeting at 8:52 p.m.

SHEILA HARRINGTON
City Clerk