

# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@Newark.org](mailto:city.clerk@Newark.org)

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

## AGENDA

**Thursday, May 12, 2016**

### CITY COUNCIL:

*Alan L. Nagy, Mayor*  
*Luis L. Freitas, Vice Mayor*  
*Sucy Collazo*  
*Michael K. Hannon*  
*Mike Bucci*

### CITY STAFF:

*John Becker*  
*City Manager*  
  
*Terrence Grindall*  
*Assistant City Manager*  
  
*Susie Woodstock*  
*Administrative Services Director*  
  
*Sandy Abe*  
*Human Resources Director*  
  
*Soren Fajeau*  
*Public Works Director*  
  
*Jim Leal*  
*Police Chief*  
  
*David Zehnder*  
*Recreation and Community Services Director*  
  
  
*David J. Benoun*  
*City Attorney*  
  
*Sheila Harrington*  
*City Clerk*

**Welcome** to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

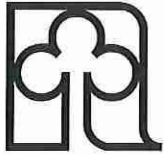
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|--|--------------------------------|
| <b>A. ROLL CALL</b>                        | <b>I. COUNCIL MATTERS</b>      |
| <b>B. MINUTES</b>                          | <b>J. SUCCESSOR AGENCY</b>     |
| <b>C. PRESENTATIONS AND PROCLAMATIONS</b>  | <b>TO REDEVELOPMENT AGENCY</b> |
| <b>D. WRITTEN COMMUNICATIONS</b>           | <b>K. ORAL COMMUNICATIONS</b>  |
| <b>E. PUBLIC HEARINGS</b>                  | <b>L. APPROPRIATIONS</b>       |
| <b>F. CITY MANAGER REPORTS</b>             | <b>M. CLOSED SESSION</b>       |
| <b>G. CITY ATTORNEY REPORTS</b>            | <b>N. ADJOURNMENT</b>          |
| <b>H. ECONOMIC DEVELOPMENT CORPORATION</b> |                                |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached **Agenda** gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless "none" follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at [www.newark.org](http://www.newark.org). Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission's action was on that particular item. **Action** indicates what staff's recommendation is and what action(s) the Council may take.

**Addressing the City Council:** You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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## AGENDA

Thursday, May 12, 2016

- A. ROLL CALL**
- B. MINUTES**
- B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 28, 2016. (MOTION)**
- C. PRESENTATIONS AND PROCLAMATIONS**
- C.1 Introduction of employee.**
- Background/Discussion** – Newly hired Assistant Planner Sarah Bowab will be introduced at the City Council meeting.
- C.2 Proclaiming May 15-21, 2016, as National Public Works Week. (PROCLAMATION)**
- Background/Discussion** – May 15-21, 2016, has been designated National Public Works Week in Newark. A member of the Public Works Department will be at the meeting to accept the proclamation.
- C.3 Proclaiming May 15-21, 2016, as National Police Week. (PROCLAMATION)**
- Background/Discussion** – May 15-21, 2016 has been designated National Police Week in Newark. A member of the Police Department will be at the meeting to accept the proclamation.
- C.4 Commendation to Police Officer and Dispatcher of the Year. (COMMENDATIONS)**
- Background/Discussion** – Ryan Johnson has been named Police Officer of the Year. Patricia Lopez has been named Dispatcher of the Year. Commendations will be presented at the City Council meeting.
- C.5 Presentation from StopWaste on the proposed expansion of the Reusable Bag Ordinance to include retail stores and restaurants. (PRESENTATION)**

**Background/Discussion** – In 2012, the Waste Management Authority adopted the countywide Reusable Bag Ordinance (Ordinance). The law requires stores selling packaged food and liquor to charge a minimum of 10 cents for a bag at the point of sale. The Waste Management Authority is now considering expanding the Ordinance to include retail stores and restaurants. Meri Soll, Senior Program Manager with StopWaste will provide a presentation on the proposed expansion.

#### **D. WRITTEN COMMUNICATIONS**

#### **E. PUBLIC HEARINGS**

- E.1 Hearing to consider: (1) revoking an existing planned unit development and conditional use permit for a veterinary emergency facility at 5600 John Muir Drive; (2) an Addendum to an existing Environmental Impact Report; and (3) an Architectural and Site Plan Review for a hotel to be located at 5600 John Muir Drive – from Assistant City Manager Grindall.**

**(RESOLUTIONS - 3)**

**Background/Discussion** - Shivam Real Estate, LLC has submitted an application for a hotel to be located at 5600 John Muir Drive. The applicant has indicated the hotel will be a Holiday Inn and Suites.

The property is zoned Community Commercial with a Regional Commercial General Plan designation. A portion of the existing building is occupied by Silver Creek Fitness and Physical Therapy. In 2012 the Planning Commission and City Council approved a planned unit development and conditional use permit for a veterinary emergency facility at this site. Although the underlying zoning allows hotels as a permitted use, the existing planned unit development and conditional use permit needs to be revoked to allow a use other than the veterinary emergency facility at this location.

Access to the project site will be via two driveways off of John Muir Drive. The site contains no wetland drainage ways or wetland areas. Supporting utilities and services, including water, sewer, drainage, electrical, and natural gas and related facilities have all been provided. The site is within an urbanized area surrounded by commercial uses.

The five-story hotel contains 110 guest rooms, meeting facilities, an indoor pool, and dining facilities. The modern design has an undulating roof line, three prominent “pop out” features along the east (I-880) elevation. This design also incorporates a stucco panel system with a stone split face base and an arched glass entryway. Signage for the site will consist of a sign on both the east and west elevations, with smaller signs along the north and south. In addition, a 20-foot high pole sign will be located on-site and visible from the adjacent interstate.

Hotels are required to provide one-off street parking space for each employee, plus one additional parking space for each guest room or for each two beds, whichever is greater.

The total number of guest rooms provided is 110. A total of 116 parking spaces are provided on-site. This results in 1.1 spaces per room, which is acceptable to the City as it has worked well for several other hotels throughout Newark.

An Addendum to the existing General Plan Environmental Impact Report (EIR) was performed by First Carbon Solutions. Seventeen environmental issues were analyzed (Outlined in Section 3 of the Addendum), none of which were found to have any new significant impact. Table 1-1 of Appendix A details the mitigation measures already in place from the original General Plan EIR.

The Addendum was made available to the public beginning March 28, 2016. Staff did not receive any comments on this project prior to preparing this report.

**Update** – At its April 12, 2016 meeting, the Planning Commission approved: (1) Resolution No. 1933, revoking an existing planned unit development (P-12-22) and conditional use permit (U-12-21) for a veterinary emergency facility at 5600 John Muir Drive; (2) Resolution No. 1934, for E-16-13, an Addendum to an existing Environmental Impact Report; and (3) Resolution No. 1935, with Exhibit A, pages 1 through 12, for ASR-16-9, an Architectural and Site Plan Review for a hotel to be located at 5600 John Muir Drive.

#### **Attachments**

**Action** - It is recommended that the City Council, by resolutions: (1) revoke a planned unit development (P-12-22) and conditional use permit (U-12-21) for a emergency veterinary facility at 5600 John Muir Drive; (2) make certain findings and adopt an Addendum to an Environmental Impact Report for a hotel at 5600 John Muir Drive (APN: 901-195-18 & 19); and (3) by resolution, approve an Architectural and Site Plan Review (ASR -16-19) for a hotel at 5600 John Muir Drive.

## **F. CITY MANAGER REPORTS**

**(It is recommended that Item F.1 be acted on unless separate discussion and/or action is requested by a Council Member or a member of the audience.)**

### **CONSENT**

- F.1 Authorization for the Administrative Services Director, City Clerk, Accounting Manager, and Senior Accountant, and their successors by title, to order the deposit or withdrawal of monies in the Local Agency Investment Fund – from Administrative Services Director Woodstock.**

**(RESOLUTION)**

**Background/Discussion** – The State of California’s Local Agency Investment Fund (LAIF) is presently the City’s main investment instrument. Due to staffing changes,

Resolution No. 9798 (adopted January 13, 2011) designating officers that can deposit or withdraw monies with LAIF needs to be updated. It is necessary to update and approve the names and titles of the officers authorized to order the deposit and withdrawal of monies in the LAIF on behalf of the City of Newark.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the Administrative Services Director, City Clerk, Accounting Manager and the Senior Accountant, and their successors by title, to order the deposit or withdrawal of monies in the Local Agency Investment Fund.

### **NONCONSENT**

#### **F.2 Authorization for the City Manager to sign an agreement with Tetra-Tech, Inc. to complete a Local Hazard Mitigation Plan for the City of Newark and associated budget amendment - from City Manager Becker. (RESOLUTION)**

**Background/Discussion** – Federal Regulations require that all local government agencies prepare a Local Hazard Mitigation Plan (LHMP) for their jurisdictions and to update it every five years. The LHMP purpose is to identify risks and vulnerabilities associated with natural disasters that could impact the community, develop long-term strategies for protecting people and property from future hazard events, and establish a coordinated process to implement the Plan. Once prepared, the plans must be reviewed by the California Office of Emergency Services (Cal OES) prior to being submitted to the Federal Emergency Planning Agency (FEMA) for approval. In the past, FEMA allowed Alameda County cities to be part of the Alameda County Multi-Jurisdictional Local Hazard Plan as “Annexes”. FEMA no longer allows this approach. The current five-year cycle expires at the end of 2016. Cities that do not have an approved Local Hazard Mitigation Plan would not qualify to receive FEMA mitigation project grants and more importantly, may not be eligible to receive a waiver of the required match for FEMA disaster recovery funding.

Staff contacted Union City to discuss a possible multi-jurisdictional planning process. Multi-jurisdictional plans are allowed by FEMA in situations where cities share a border or are in close proximity and share potential hazard conditions. A multi-jurisdictional approach would be beneficial in terms of cost and efficiency in preparing the Plan. Union City agreed to this approach and on March 4, 2016, the Cities jointly issued a Request for Proposal to prepare a Plan for each City.

Proposals were received from Tetra Tech, Inc. and Michael Baker International. Both firms have a proven record of successfully preparing Local Hazard Mitigation Plans and both demonstrated an understanding of each cities needs and the process required. After review and discussion with Union City staff, both Cities agreed to recommend Tetra Tech Inc. to complete the Local Hazard Mitigation Plan to their respective City Councils. Tetra Tech's bid to complete the LHMP for both Cities is \$78,653. This amount is approximately \$8,000 less than the bid received from Michael Baker

International. The cost will be split evenly between the two cities and Newark's share will be \$39,327. A budget amendment is requested to cover the cost of preparing the plan.

If approved by the City Council, Tetra Tech would begin work immediately following the execution of the agreement. The LHMP development process will include a significant amount of data collection, risk assessment, and public outreach. Tetra Tech is expected to complete the process within 7 months.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the City Manager to sign a consulting services agreement between the City of Union City, the City of Newark and Tetra Tech, Inc. to complete a Local Hazard Mitigation Plan and to amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016.

### **G. CITY ATTORNEY REPORTS**

### **H. ECONOMIC DEVELOPMENT CORPORATION**

### **I. CITY COUNCIL MATTERS**

#### **I.1 Consideration of City Council's summer meeting recess during the month of August 2016 – from Mayor Nagy. (MOTION)(RESOLUTION)**

**Background/Discussion** – Since 1994 the City Council has approved a summer meeting recess during the month of August. This is because of the lack of any major City business during August and because several Council Members plan vacations during that month. Mayor Nagy would like the City Council to consider a summer recess again this year during August for the same reasons.

The City Council may authorize the City Manager, or his designee, to approve any administrative matters that might occur during the month of August that cannot be deferred until September for City Council action. The general types of administrative matters that might require action are:

- Acceptance of completion of work on City projects
- Approval of agreements as needed for budgeted projects and services
- Approval of plans and specifications
- Award of contracts for budget projects
- Denial of claims

The City Manager would report all such actions taken during the month of August to the City Council at the first regular meeting in September.

**Attachment**

**Action** - It is recommended that the City Council, by motion, approve a City Council summer meeting recess during the month of August 2016 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess.

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands for the City Council meeting of May 12, 2016. (MOTION)**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.