



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, June 28, 2018

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of June 14, 2018.

MOTION APPROVED

Vice Mayor Hannon moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Sarah DeLipski.

Mayor Nagy presented the commendation to Sarah DeLipski who has been awarded the Girl Scout Gold Award pin.

C.2 Washington Hospital Healthcare System Presentation of Community Health Needs Assessment.

Lucy Hernandez, Washington Hospital's Community Outreach Project Manager gave the presentation on the Community Health Needs Assessment for the City of Newark. (Presentation on file with City Clerk.)

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

City Manager Becker announced that due to property ownership within Landscaping and Lighting Districts 10 and 11, Council Member Collazo will need to recuse from public hearings E.12 and E.13. He suggested that the City Council consider public hearings E.1-E.11 concurrently. Council Member Collazo should exit the chambers for E.12 and E.13, which then may be considered concurrently. The City Council concurred with this suggestion.

**E.1 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 1. RESOLUTION NO. 10799**

At 7:47 p.m. Mayor Nagy opened public hearings E.1 through E.11 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

No one came forward to speak.

At 7:49 p.m. Mayor Nagy closed public hearings E.1 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

Vice Mayor Hannon moved, Council Member Collazo seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 for the 2018-2019 fiscal year. The motion passed, 4 AYES, 1 ABSENT.

- E.2 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 2. RESOLUTION NO. 10800**
- E.3 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 4. RESOLUTION NO. 10801**
- E.4 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 6. RESOLUTION NO. 10802**
- E.5 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 7. RESOLUTION NO. 10803**
- E.6 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 13. RESOLUTION NO. 10804**
- E.7 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 15. RESOLUTION NO. 10805**
- E.8 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 16. RESOLUTION NO. 10806**
- E.9 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 17. RESOLUTION NO. 10807**
- E.10 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 18. RESOLUTION NO. 10808**
- E.11 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 19. RESOLUTION NO. 10809**

**E.12 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 10. RESOLUTION NO. 10810**

Council Member Collazo exited the City Council Chambers.

At 7:50 p.m. Mayor Nagy opened public hearings E.12 through E.13 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one came forward to speak.

At 7:51 p.m. Mayor Nagy closed public hearings E.12 through E.13, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Freitas moved, Vice Mayor Hannon seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2018-2019 fiscal year. The motion passed, 3 AYES, 1 RECUSED (Collazo), 1 ABSENT.

Council Member Collazo returned to the City Council Chambers.

**E.13 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 11. RESOLUTION NO. 10811**

**E. 14 Hearing to consider a text amendment to Title 17 (Zoning) of the Newark
Municipal Code to revise various sections including Chapters 17.07,
17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46,
generally affecting land uses, heights, landscaping, signs, parking and
various other development standards. ORDINANCE INTRODUCED**

Assistant City Manager Grindall gave the staff report recommending approval. The amendment would address issues that were not considered when the new Zoning Ordinance was prepared. It also would add additional guest parking requirements for new multifamily projects near existing low density residential neighborhoods.

Vice Mayor Hannon requested that the City Council be advised if the new parking requirement reduces the number of housing units built in new developments.

Vice Mayor Hannon stated for “Section 17.17.020.D.2 limit accessory structures to 25 % of principal structure” he would like to eliminate the percentage of principal structure, limit it to 30 percent of the rear yard as currently defined in the code, and allow no more than 2 accessory structures.

Vice Mayor Hannon stated for “Section 17.46.120 Lodging House” consider limiting the number of total occupants to no more than 6 in a future amendment.

Mayor Nagy opened the public hearing at 8:03 p.m.

No one came forward to speak

Mayor Nagy closed the public hearing at 8:04 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded to introduce an ordinance for text amendments to Title 17 (Zoning Ordinance) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards, with the amendment to Section 17.17.020.D.2 to remove the 25% limitation on the accessory structure based on the size of the primary structure. The motion passed, 4 AYES, 1 ABSENT.

E.15 Hearing to consider a planned development and vesting tentative tract map 8409, for a six unit multi-family residential townhome subdivision located at 36589 Newark Boulevard.

**RESOLUTION NO. 10792 Planned Development
RESOLUTION NO. 10793 Tentative Tract Map
ORDINANCE INTRODUCED**

Assistant City Manager Grindall recommended approval of the project at 36589 Newark Boulevard, consisting of two buildings of 2-story townhomes with 3 units per building. Each unit is approximately 2,017 to 2,408 square feet, 3 to 4 bedrooms, 2.5 to 3 bathrooms, an attached 2-car garage, and a private yard. Vehicular access will be off a driveway on Mayhews Landing Road.

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

Dick Hunt of Hunt Hale Jones Architects, Architect for the project stated that he read and agreed with the conditions.

Mayor Nagy closed the public hearing at 8:16 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded to: 1) by resolution, approve P-18-6, a planned development to allow for a six unit multi-family residential townhome subdivision at 36589 Newark Boulevard (APN: 92A-623-43), with Exhibits A and B; 2) introduce an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard (APN:92A-623-43), and 3)by resolution, approve vesting tentative tract map 8409 and subdivision and zoning variances thereto. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Vice Mayor Hannon seconded, to approve Consent Calendar Items F.1 through F.8, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.1 Approval of Investment Policy. RESOLUTION NO. 10794**
- F.2 Establishment of the Fiscal Year 2018-2019 Appropriations Limit. RESOLUTION NO. 10795**
- F.3 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 for General Revisions. RESOLUTION NO. 10796**
- F.4 Calling and giving notice of the holding of a General Municipal Election on Tuesday, November 6, 2018, for the election of certain officers of the City of Newark. MOTION APPROVED Statement Deposit RESOLUTION NO. 10797**
- F.5 Notification to nonelected officials and designated employees to review their Conflict of Interest Code. MOTION APPROVED**
- F.6 Authorization for the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda. RESOLUTION NO. 10798 CONTRACT NO. 18019**
- F.7 Authorization for the City Manager to sign Task Order No. 15 to the Joint Powers Agreement with the City of Fremont for Paratransit Services. RESOLUTION NO. 10799 CONTRACT NO. 09044**
- F.8 Authorization for the City Manager to sign Task Order No. 16 to the Joint Powers Agreement with the City of Fremont for Case Management services. RESOLUTION NO. 10800 CONTRACT NO. 09044**
- G. CITY ATTORNEY REPORTS**
- H. ECONOMIC DEVELOPMENT CORPORATION**

I. CITY COUNCIL MATTERS**I.1 Resolution supporting the Chinese American World War II Veterans Congressional Gold Medal Act. RESOLUTION NO. 10801**

Mayor Nagy stated that the United States Senate and the House of Representatives have introduced bills to collectively award the Congressional Gold Medal to Chinese American Veterans of World War II. He requested that the City Council approve a resolution that would call for Congress to pass the Act and honor these veterans.

Council Member Collazo moved, Vice Mayor Hannon seconded to, by resolution, support H.R.2358/S.1050 – The Chinese American World War II Veterans Congressional Gold Medal Act. The motion passed, 4 AYES, 1 ABSENT.

Mayor Nagy wished everyone a safe Fourth of July holiday.

Council Member Collazo shared upcoming library events and fine forgiveness program. She announced that the Drifters would be performing on July 6th and the Mariachi Festival would be on July 15. Shop Newark.

Vice Mayor Hannon wished Council Member Bucci a healthy recovery and commended him for the Relay for Life event.

Council Member Freitas stated that the Mayhews Landing Townhomes will be beautiful.

Mayor Nagy stated that Relay for Life proves that Newark still has a small town feeling.

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

Tom Imholz Swiss Park Board Member, gave a brief history on Swiss Park. He noted that they attended the Prima Development meetings and made suggestions addressing sound. The new ordinance requires private parties to get a permit and some events have been canceled. They do not want to relocate.

Robert Fushlian, Swiss Park manager, addressed special events ordinance and the event that was mentioned in the staff report. He stated that similar events have been held with little or no problems. He stated that they have lost business and hopes the situation can be mitigated.

Arnold Ambiel, Aelpler Gruppe Swiss Club President, stated that the City was incorporated after Swiss Park opened. He invited the Council to upcoming events. He stated that they were willing to comply with the noise ordinance; however, the permit process needs to be clear.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 114732 to 114867.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:45 p.m.

SHEILA HARRINGTON
City Clerk