



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, November 8, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:37 p.m. Present were Council Members Collazo, Freitas, Bucci and Vice Mayor Hannon.

B. MINUTES

B.1 Approval of Minutes of the City Council meetings of October 17 and 25, 2018. **MOTION APPROVED**

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Roxanne Müller on her retirement.

Mayor Nagy presented the commendation to Administrative Support Specialist II Roxanne Müller.

C.2 Commending Newark Days Committee members.

Mayor Nagy presented commendations to the Newark Days Committee members for planning another successful Newark Days celebration.

C.3 Introduction of employee.

The introduction of Administrative Support Specialist II Mirna Padilla will be rescheduled for a future meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider Compass Bay, a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive. The City Council will consider approval of: (1) rezoning a 9.97-acre portion of Vesting Tentative Tract Map 8459 from Business and Technology Park (BTP) to

Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) (APN 092-0115-005-02); (2) Vesting Tentative Tract Map 8459; (3) Planned Development Plan for construction of 138 residential units; (4) addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed development; and (5) Authorizing the Mayor to sign a Community Financing Agreement with TH Willow Newark Investors, LLC.

**ORDINANCE INTRODUCED
RESOLUTION NO. 10853 – 10856
CONTRACT NO. 18039**

Assistant City Manager Grindall gave a presentation recommending approval. The presentation is on file with the City Clerk. TH Willow Newark, LLC proposes to build 138 homes consisting of 53 detached single-family and 85 attached townhomes with a density of 14-units to an acre. A total of 350 parking spaces would consist of 276 private garage spaces and 74 on-street spaces. Compass Bay would be accessible from Enterprise Drive and Seawind Way. The project is in line with the vision of the Dumbarton Transit-Oriented Development Specific Plan, and will provide community identification monument signs, \$8.2 million in impact fees to the City, and \$1.1 million in fees to the Newark Unified School District.

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

Robin Miller, Trumark Homes, said that he read the ordinance and resolutions and agreed to the conditions.

Mayor Nagy closed the public hearing at 8:06 p.m.

Council Member Collazo moved, Vice Mayor Hannon seconded to, via motion, approve the following:

(1) Introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code Section 17.03.020 “Official Zoning Map And District Boundaries” by rezoning all that real property shown on the Vesting Tentative Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) APN 092-0115-005-02;

(2) By resolution approve, TTM-18-19, a Vesting Tentative Tract Map 8459 to allow construction of a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive (APN 092-0115-005-2);

(3) By resolution approve, P-18-20, a Planned Development Plan to allow construction of a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive (APN 092-0115-005-2);

(4) By resolution approve, E-18-18, an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed Compass Bay development (138 residential units);

(5) By resolution, authorize the Mayor to sign a Community Financing Agreement TH Willow Newark Investors, LLC regarding provision of certain public facilities and services for the Dumbarton Transit Oriented Project Specific Plan.

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.4, 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 Cancellation of the November 22 and December 27, 2018 City Council meetings. MOTION APPROVED**
- F.2 Acceptance of work with Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1104. RESOLUTION NO. 10857**
- F.3 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 the previous Compensation Plan. RESOLUTION NO. 10858**
- F.4 Approval of partial release and replacement of security bonds for Tract 8098, Glass Bay (TH-HW Newark LLC) a 217-unit residential subdivision at 8400 Enterprise Drive. RESOLUTION NO. 10859**

NONCONSENT**F.5 Approval of the solid waste collection, recycling, and organics services maximum rates for Calendar Year 2019 with an increase of 3.2% over 2018, and updates to the program. RESOLUTION NO. 10860**

Administrative Analyst Khuu-Seeman stated that the City's agreements with Republic Services and BLT Enterprises include an annual rate adjustment provision. The annual adjustment applies prescribed formulas to calculate rate adjustments resulting in a 3.2% rate increase effective January 1, 2019.

She provided an update on the newly implemented Organics Collection Program that requires businesses/institutions that generate food waste and multi-family properties to sort organic materials.

She noted that China will no longer accept recycled materials that are deemed contaminated. This has decreased the market for mixed paper and post-consumer plastics. City Staff and Republic Services will be analyzing this as well as exploring a potential cost-based rate adjustment in 2020.

Emily Phillips, Republic Services answered the City Council's questions regarding the organics program implementation. In response to Council Member Bucci, she stated that they would review collection pick-up times and when children get out of school.

Jacinta Arteaga stated that the City of Fremont offers lower residential rates. She requested that the City look into that and wondered if it was due to the landfill passes that Newark residents may request.

Administrative Analyst Khuu-Seeman stated that she reviewed the rates today and Newark's rates are slightly lower.

Namit Saksena asked if Republic Services was considering other countries for recycling since China has changed their standards.

Vice Mayor Hannon stated that there are other countries that recycling is sold to, but China was the largest purchasing country.

Vice Mayor Hannon moved, Council Member Collazo seconded to, by resolution, establish the maximum limit for rates for solid waste collection, recycling and organics services for Calendar Year 2019 with an increase of 3.2% over 2018. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION**

I. CITY COUNCIL MATTERS

I.1 Reappointment of Jeff Aguilar to the Planning Commission.

RESOLUTION NO. 10861

Mayor Nagy recommended the reappointment of Jeff Aguilar to the Planning Commission to a four year term.

Council Member Bucci moved, Council Member Collazo seconded to, by resolution, approve the reappointment of Jeff Aguilar to the Planning Commission, for a term to expire on December 31, 2022. The motion passed, 5 AYES.

The entire City Council wished everyone a Happy Thanksgiving.

Vice Mayor Hannon highlighted awardees from the Chamber of Commerce Celebrating Business Luncheon.

Council Member Collazo reminded everyone to Shop Newark.

Council Member Freitas Happy congratulated Roxanne Müller on her retirement.

Council Member Bucci thanked everyone who ran for elective office.

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

K. ORAL COMMUNICATIONS

Guadalupe Lopez requested that the City Council install pedestrian crosswalk lights on Cedar Boulevard near Thornton Avenue.

Mayor Nagy referred Ms. Lopez's suggestion to staff for review.

Eddie Suarez requested that the City Council use a project labor agreement for the Civic Center Project.

Jeff Dixon also requested that the City Council use a project labor agreement for the Civic Center Project.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 115994 to 116113.

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

M. CLOSED SESSION

N. ADJOURNMENT

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

SHEILA HARRINGTON
City Clerk