



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, January 24, 2019

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of January 10, 2019. MOTION APPROVED

Council Member Collazo moved, Council Member Bucci seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced employees Public Safety Clerk Paula Silva and Administrative Support Specialist II Sara Kerns.

C.2 Proclaiming February as Teen Dating Violence Awareness Month.

Mayor Nagy read the proclamation aloud and requested that it be sent to Safe Alternatives to Violent Environments (SAVE).

Mayor Nagy welcomed the Boy Scouts and Police Explorers in the audience.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider a 10-lot subdivision for the construction of 10 single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue. The City Council will consider approval of: a Planned Development Plan; Vesting Tentative Map 8494; and introduction of an ordinance establishing a Planned Development Overlay District for the project.

RESOLUTION NO. 10883 Planned Development Plan
RESOLUTION NO. 10884 Vesting Tentative Map

ORDINANCE INTRODUCED

Council Member Freitas announced that he owns property on Magnolia Street, within 500 feet of this project, and recused himself from participating. Council Member Freitas left the City Council Chambers.

Assistant City Manager Grindall gave the staff report recommending approval. Presentation on file with the City Clerk.

Mayor Nagy opened the public hearing at 7:48 p.m.

Rick Hartman, project architect said that he had read the resolutions and agreed to the conditions. Mr. Ying-Min Li property owner was also present.

Council Member Hannon requested that the property be monitored for illegal dumping and kept clean.

Council Member Bucci stated that he would like a little more contrast in the colors choices and suggested a construction fence to help mitigate the illegal dumping.

Yolinda Moniz stated that she lives in the neighborhood and discussed squatters, illegal dumping, and rats. She stated that her car was damaged by rats and requested more pest abatement at the location.

Mayor Nagy closed the public hearing at 7:59 p.m.

Council Member Collazo moved, Council Member Bucci seconded to: (1) By resolution, approve, P-18-34, a Planned Development Plan to allow for a 10-lot subdivision for the construction of 10 single-family homes located at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11); and (2) By resolution, approve, TTM-18-35, Vesting Tentative Map 8494 to allow a 10-lot subdivision for the construction of 10 single-family homes; and (3) Introduce an ordinance establishing a Planned Development Overlay District at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11). The motion passed, 4 AYES, 1 RECUSED.

Council Member Freitas returned to the City Council Chambers.

- E.2 Hearing to consider ‘Classics at Newark’, a residential project comprising of nine single-family homes at 36304-36310 Newark Boulevard. The City Council will consider approval of: a Planned Development Plan; Vesting Tentative Tract Map 8498; and introduce an ordinance establishing a Planned Development Overlay District for the project.**

**RESOLUTION NO. 10885 Planned Development Plan
RESOLUTION NO. 10886 Vesting Tentative Map**

ORDINANCE INTRODUCED

Assistant City Manager Grindall gave the staff report recommending approval. Presentation on file with City Clerk.

Mayor Nagy opened the public hearing at 8:05 p.m.

Jim Pollart, Classic Communities, said that he had read the resolutions and agreed to the conditions. He stated that he met with an adjacent property owner and addressed their privacy concerns. An exterminator will treat the site before demolition begins.

Henry Bensco asked about the backyard size for the new homes and what will happen to the vehicles currently stored there.

Mr. Pollart stated that the tenants would take the cars and cars left behind would be transferred to the dump. Mr. Pollart described the backyard layouts.

Mayor Nagy closed the public hearing at 8:19 p.m.

Council Member Freitas moved, Council Member Collazo seconded to (1) By resolution, approve P-18-36, a Planned Development Plan to allow construction of nine single-family homes on an approximately 1.72-acre site located at 36304-36310 Newark Boulevard. (Assessor Parcel Numbers 92A-779-5 and 92A-779-7); and (2) By resolution, approve TTM-18-37, Vesting Tentative Tract Map 8498 to allow construction of nine single-family homes on an approximately 1.72-acre site located at 36304-36310 Newark Boulevard. (Assessor Parcel Numbers 92A-779-5 and 92A-779-7); and (3) Introduce an ordinance establishing a Planned Development Overlay District located at 36304-36310 Newark Boulevard. (APNs 92A-779-5 and 92A-779-7). The motion passed, 5 AYES.

- E.3 Hearing to consider FMC Parcel C, a 192-unit residential project on a 17.4-acre site within the Dumbarton Transit Oriented Development (TOD) Specific Plan area located west of the intersection of Hickory Street and Enterprise Drive. The City Council will consider approval of: (1) an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR addresses the impacts of the proposed development; (2) a rezoning of a 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) and rezoning of a 5-acre site from Business and Technology Park (BTP) to Park (PK) (APNs: 537-852-1-2; 537-852-2-7 and 537-852-2-8); (3) Vesting Tentative Tract Map 8453; (4) a Planned Development Plan; (5) Authorizing the Mayor to sign a Community Financing Agreement; and (6) Authorizing the Mayor to sign a Park Agreement.**

**RESOLUTION NO. 10887 Addendum to EIR
RESOLUTION NO. 10888 Vesting Tentative Map
RESOLUTION NO. 10889 Planned Development Plan
RESOLUTION NO. 10890 Community Financing Agreement
RESOLUTION NO. 10891 Park Agreement
ORDINANCE INTRODUCED**

Assistant City Manager Grindall gave the staff report recommending approval. Presentation on file with City Clerk.

Mayor Nagy opened the public hearing at 8:31 p.m.

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

Amy Hiu asked when the homes would be ready and if the City was working to attract more business.

Mr. Butler stated that he anticipated the homes being ready for sale in 2021.

Assistant City Manager Grindall noted that the City Council has approved 1.3 million square feet of advanced manufacturing space. Approximately one-third of the space has been filled.

Chance Hefter stated that the property looked like it was near the wetlands and asked if there were any potential sinking issues associated with the project.

Assistant City Manager Grindall stated that the land is close to the bay, but not in the wetlands. He noted that the soil is analyzed and treated and would be raised to keep it above flood areas, where needed.

Mayor Nagy closed the public hearing at 8:36 p.m.

Council Member Bucci moved, Council Member Collazo seconded to (1) By resolution, approve, 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 FMC Parcel C Development (192-Residential Units); and (2) Introduce an ordinance amending Title 17 (Zoning) of the Newark Zoning Code Section 17.03.020 “Zoning Map” by rezoning all that real property shown on Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) and by rezoning an approximately 5-acre site from Business and Technology Park (BTP) to Park (PK) (APNs: 537-852-1-2; 537-852-2-7 and 537-852-2-8); and (3) By resolution, approve, TTM-18-16, Vesting Tentative Tract Map 8453 to allow construction of a 192-unit residential development (FMC Parcel C) on a 17.4-acre site located west of the intersection of Hickory Street and Enterprise Drive (Assessor Parcel Numbers: 537-852-1-2, 537-852-2-07 and 537-852-2-

8); and (4) By resolution, approve, P-18-8, a Planned Development Plan to allow construction of a 192-unit residential development (FMC Parcel C) on a 17.4-acre site located west of the intersection of Hickory Street and Enterprise Drive (Assessor Parcel Numbers: 537-852-1-2, 537-852-2-07 and 537-852-2-8); and (5) By resolution, authorize the Mayor to sign a Community Financing Agreement with Parcel C Project Owner C, LLC; and (6) By resolution, authorizing a Park Agreement with Parcel C Project Owner, LLC for the construction and dedication of a park to the City. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Hannon moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 that the resolution be numbered, and that reading of the title suffice for adoption of the resolution. The motion passed, 5 AYES.

CONSENT

- F.1 Approval of Contractual Services Agreements with 4Leaf, Inc, CSG Consultants, Inc, MNG Engineers, Inc, Pakpour Consulting Group and SNG and Associates, Inc. for on-call Public Works Construction Inspection and Civil Engineering Development Plan Check Review Services and authorization to amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2018-2019 to provide additional funding for said Contractual Services Agreements. RESOLUTION NO. 10892
CONTRACT NO. 19004-19009**

NONCONSENT

- F.2 Introduction of an ordinance to amend Newark Municipal Code Chapter 6.28 Regulations - Generally to address shelter, food and water requirements for animals kept outside. ORDINANCE INTRODUCED**

Assistant City Manager Grindall gave the staff report recommending approval. At the October 11, 2018 City Council meeting, Council Member Hannon expressed concern about the vagueness in the regulations that govern how animals are cared for, specifically shelter and food. Staff prepared an ordinance to strengthen the regulations for animal care.

Mayor Nagy stated that there is a perception of a skunk problem and he did not want the food to become a nuisance and bring about more skunks.

Assistant City Manager Grindall stated that he would refer the skunk issue to animal control. He noted that some animals can access automatic feeders.

Council Member Hannon moved, Council Member Bucci seconded to introduce an ordinance amending Newark Municipal Code Title 6 Animals, Chapter 6.28 Regulations – Generally, Sections 6.28.110 – Shelter and 6.28.120 - Food and Water. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Council Member Bucci thanked the Boy Scouts for attending the meeting.

Council Member Hannon noted that the Martin Luther King, Jr. holiday occurred in the last week and he encouraged the Boy Scouts to listen to his speeches.

Council Member Collazo stated her plane was delayed and she came straight from the airport to the meeting. She read the paper packet while on vacation and expressed appreciation for the electronic packets. She stated that the FMC project will create a new park and that she wanted to form a corn hole team to play. Shop Newark.

Mayor Nagy recognized Matthew Jorgens in the audience from Assembly Member Kansen Chu's office.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 116532 to 116715.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:53 p.m.