



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, May 25, 2017

A. ROLL CALL

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

Council Member Collazo was noted absent.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 11, 2017. **MOTION APPROVED**

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Presentation of Awards for Students, Teacher, and Classified Employee of the Year.

Mayor Nagy, Rotary Club President Mike Hannon, and Rotary Club Youth Services Chair Jennifer Makin presented the awards.

C.2 Proclaiming June as Celebrating Business Month in Newark.

Mayor Nagy presented the proclamation to Chamber President/CEO Valerie Boyle.

At 7:40 p.m. the Mayor declared a recess. The meeting resumed at 7:47 p.m.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider introduction of an ordinance repealing previously adopted Urgency Ordinance 496-U pertaining to accessory dwelling units and a zoning text amendment to Section 17.08.415 (Accessory Dwelling Units), Section 17.16.030(k) (Permitted Uses) and deleting Section 17.08.143 (Efficiency Unit) of the Newark Zoning Code.**

ORDINANCE INTRODUCED

Assistant City Manager Grindall stated that the City Council adopted Urgency Ordinance No. 496-U in response to state law changes pertaining to Accessory Dwelling Units. At the time of the adoption, there were policy issues that needed further discussion, which were addressed at a subsequent City Council meeting.

Assistant City Manager Grindall proposed repealing the urgency ordinance and introducing a regular ordinance that included the following changes for Standard Accessory Dwelling Units: no requirement for property owner residence, allows two bedroom units and specifies that a second off-street parking space would be provided, and removes the Condition Use Permit (CUP) requirement in an area that has an existing parking problem.

Mayor Nagy opened the public hearing at 7:51 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:52 p.m.

Vice Mayor Bucci moved, Council Member Hannon seconded to introduce an ordinance repealing Urgency Ordinance No. 496-U pertaining to accessory dwelling units and a zoning text amendment to Section 17.08.415 (Accessory Dwelling Units), Section 17.16.030 (k) (Permitted Uses) and deleting Section 17.08.143 (Efficiency Unit) of the Newark Zoning Code. The motion passed, 4 AYES, 1 ABSENT.

- E.2 Hearing to consider: (1) Introduction of an Ordinance repealing and replacing Chapter 3.24 of the Newark Municipal Code “Development Impact Fees”; (2) Adoption of a Resolution establishing a Public Safety Facility Fee; (3) Adoption of a Resolution establishing a Community Service Facility Fee; (4) Adoption of a Resolution establishing a Transportation Impact Fee; and (5) Adoption of a Resolution authorizing expenditure for preparation of impact fee studies on transportation and public safety and community facilities and amending the biennial budget and capital improvement plan 2016-2018 for fiscal year 2016-2017.**

ORDINANCE INTRODUCED

RESOLUTION NO. 10633 Public Safety Fee

RESOLUTION NO. 10634 Community Service Fee

RESOLUTION NO. 10635 Transportation Impact Fee

RESOLUTION NO. 10636 Impact Fee Studies

Assistant City Manager Grindall recommended that the fees be set at their legally established maximums, except manufacturing and research/development, and multifamily housing. Manufacturing and research/development uses are high value-additive operations and generate higher employment densities and salaries. He recommended that these uses be encouraged with a 50% reduction below the maximum rate. He recommended that the fee for multi-family units be reduced by 30% below the maximum rate to encourage multi-family construction. He further recommended that the fees be adjusted annually based on a construction cost index. The ordinance would allow the City Council to waive fees at their discretion. The recommended fees are:

	Community Service Facility Fee	Public Safety Fee	Transportation Fee
Single-Family Detached per unit	\$2,311	\$3,451	\$4,974
Townhome per unit	\$2,311	\$3,451	\$2,586
Multi-Family per unit	\$1,156	\$2,071	\$3,084
Commercial/Office per S.F.	\$0.86	\$0.60	\$4.41
Industrial/R&D per S.F.	\$0.18	\$0.25	\$2.41
Warehousing/Distribution per S.F.	\$0.36	\$0.50	\$4.82

Council Member Hannon requested that staff advise the City Council if a future proposed fee waiver is one of the fees under the legally established maximums. He further requested that staff prepare examples of how the fees would be calculated for future development.

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

No one came forward to speak.

Mayor Nagy closed the public hearing at 8:07 p.m.

Council Member Hannon moved, Vice Mayor Bucci seconded to (1) Introduce an Ordinance repealing and replacing Chapter 3.24 of the Newark Municipal Code "Development Impact Fees"; (2) Adoption of a Resolution establishing a Public Safety Facility Fee; (3) Adoption of a Resolution establishing a Community Service Facility Fee; and (4) Adoption of a Resolution establishing a Transportation Impact Fee; and (5) Adoption of a Resolution authorizing expenditure for preparation of impact fee studies on transportation and public safety and community facilities and amending the Biennial Budget and Capital Improvement Plan 2016-2018 for Fiscal Year 2016-2017. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORT

Council Member Hannon requested the removal of item F.1 for separate consideration.

Council Member Freitas moved, Council Member Hannon seconded, to approve Consent Calendar Items F.2, that the resolution be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.2 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8310 – Phase II Bayshores (CDCG Group Holdings Bayshores, L.P.), an 86-unit residential subdivision at 37555 Willow Street in the Dumbarton Transit-Oriented Development Specific Plan project area.**

**RESOLUTION NO. 10637
CONTRACT NO. 17010**

NONCONSENT

- F.1 Approval of plans and specifications, acceptance of bid and award of contract to Ocean Blue Environmental Services, Inc. for Storm Drain Trash Capture Devices (Phase 2), Project 1122.**

**MOTION APPROVED
RESOLUTION NO. 10638
CONTRACT NO. 17011**

In response to Council Member Hannon, Public Works Director Fajeau stated that the Regional Water Quality Control Board has a goal of 100% trash capture by 2022. The installation of these devices will reduce trash in the storm sewer system and will help the City meet the deadline.

In response to Vice Mayor Bucci, Public Works Director Fajeau stated that he would look into replacing the “Drain To The Bay” signage, where needed.

Council Member Hannon moved, Vice Mayor Bucci seconded to by motion, approve the plans specifications and by resolution, accept the bid and award the contract to Ocean Blue Environmental Services, Inc. for Storm Drain Trash Capture Devices (Phase 2), Project 1122. The motion passed 4 AYES, 1 ABSENT.

F.3 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, and 18 and setting date of public hearing.

RESOLUTION NOS. 10639-10640

City Manager Becker recommended approving the filing of the annual reports for the landscaping and lighting districts and setting the public hearing date for June 22, 2017

Council Member Hannon moved, Vice Mayor Bucci seconded to by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, and 18 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 22, 2017. The motion passed, 4 AYES, 1 ABSENT.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn the meeting in memory of Howard Buschke. The entire City Council extended their condolences to the Buschke family.

Mayor Nagy noted that Monday is Memorial Day and encouraged everyone to take a moment to remember those who gave the ultimate sacrifice for our freedom.

Council Member Freitas stated that he attended the Salvation Army grand opening today and was impressed with the building.

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

K. ORAL COMMUNICATIONS

Joanna Horning stated that increased traffic with the new multi-family homes concerned her. She requested that the City Council look into stop lights and no parking zones on streets such as Thornton Avenue and Cherry Street.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of May 25, 2017. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 111006 to 111119.

Vice Mayor Member Bucci seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Valencia et al. v. City of Newark et al.; United States District Court, Northern District of California, Case No. 4:16-CV-04811-SBA – from City Attorney Benoun.

At 8:30 p.m. the City Council recessed to a closed session.

At 8:40 p.m. the City Council convened in closed session.

At 8:55 p.m. the City Council reconvened in open session with all Council Members present (Collazo absent).

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:55 p.m., in memory of Howard Buschke.

SHEILA HARRINGTON
City Clerk