



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, July 13, 2017

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, June 22, 2017. **MOTION APPROVED**

Council Member Hannon moved, Vice Mayor 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 Employee.

Mayor Nagy introduced recently promoted Police Chief Michael Carroll.

C.2 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 95th Anniversary.

Mayor Nagy presented the proclamation to Council President Frank Couto and officers of the Society.

D. WRITTEN COMMUNICATIONS

D.1 Advice of Action taken by the Planning Commission to uphold the Community Development Director's approval of a single-family design review, for an addition to the rear of the first and second floor of a property located at 36831 Papaya Street.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review. The Community Development Director's approval of the single-family design review stands.

E. PUBLIC HEARING**E.1 Hearing to consider a text amendment to Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Sections 17.20.030, 17.020.040, 17.24.030 and 17.24.040 to require distribution and warehouse uses to go through the Conditional Use Permit process.****ORDINANCE INTRODUCED**

Assistant City Manager Grindall recommended requiring distribution, warehouse and freight terminal uses to be evaluated through the conditional use permit (CUP) process. The CUP would allow control over certain uses which could have detrimental effects on the city and would allow the application of appropriate conditions. He noted that current facilities would be considered legal nonconforming, however, if they ceased operations, they would have 7 years before the legal nonconforming status was considered abandoned.

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

Jeff Starkovich, Cushman Wakefield, industrial broker, stated that the proposed amendment would impact current buildings. Manufacturers put heavy investment in their buildings and they will go to other cities for their warehouses.

Brad Scott, Met Life Real Estate Investment, Asset Manager, stated that they own Cherry Logistics and that he is concerned with the ordinance and does not know if they would have purchased their property if this regulation was in place at that time.

Chatham Goodbolie, Venture Manufacturing, Director of Operations stated that they have grown from 20,000 square feet of space to 100,000 sf in Newark and need an even larger facility. He asked how the changes would impact their plans. He stated that they may consider other cities to expand to if this will delay their plans.

Assistant City Manager Grindall explained the impacts of the changes in a variety of circumstances. He stated that they would create an information sheet with details.

Elisabeth Cowcheck, Prologis, Vice President and Market Officer stated that her company acquired 6601 Over Lake Drive in 1999. It took them 19 months to fill the vacancy when Staples left in 2012. They lost several deals due to zoning restrictions.

Mark Schulman, DCT Industrial, Vice President stated that they own a building on Cherry Street. He stated that Manufacturers need 7 to 10 years to get a return on the money they invest in the building. They need flexibility for leasing manufacturing in the future and would like a 12 year time frame.

Dave Haugen DCT Industrial, Senior Vice President stated that this change could add 9 weeks to the process and people want to get up and running quickly. He stated that he thought the driving force of this change is traffic and that warehouses are the lowest generators of traffic.

Clark Morrison, DCT Industrial, Land Use Counsel stated that he agreed with previous comments. He requested that the City Council continue this matter until the Zoning Update was completed and could refine the language. He stated that if they did approve today, then extend the non-conforming abandonment period to 12 years instead of 7 years.

Richard Dominguez suggested that the City Council compromise with the speakers and extend the 7 years to 10 years. He stated that traffic means people are working.

Jon Moreau stated that writer of the ordinance has no experience in warehousing or manufacturing and does not understand the process.

Mayor Nagy closed the public hearing at 8:23 p.m.

Mayor Nagy, Council Member Freitas and Council Member Hannon spoke in favor of extending the non-conforming abandonment period to 10 years instead of 7 years. Vice Mayor Bucci and Council Member Collazo favored a 12 year period.

Council Member Hannon moved, Council Member Freitas seconded to introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Section 17.20.030, 17.020.040, 17.24.030 and 17.24.040. The nonconforming use will be considered abandoned at 10 years instead of 7 years. The motion passed, 3 AYES, 2 NOES (Collazo/Bucci).

F. CITY MANAGER REPORTS

Council Member Collazo moved, Vice Mayor 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 Authorization for the City Manager to sign Task Order No. 14 to the Joint Powers Agreement with the City of Fremont for Case Management services.**
- RESOLUTION NO. 10671
CONTRACT NO. 09044**

- F.2 Approval of plans and specifications, acceptance of bid and award of contract to Pavement Coatings Company for the 2017 Street Slurry Seal Program, Project 1142.**
MOTION APPROVED
RESOLUTION NO. 10672
CONTRACT NO. 17028
- F.3 Approval of Contractual Services Agreements with Hexagon Transportation Consultants, Inc. and Omni-Means, Ltd. for Traffic Engineering and Transportation Planning Services and authorization to amend the 2016-2018 Biennial Budget and Capital Improvement Plan for fiscal year 2017-2018 to provide additional funding for said Contractual Services Agreements.**
RESOLUTION NO. 10673
CONTRACT NO. 17029 Hexagon
CONTRACT NO. 17030 Omni-Means
- F.4 Approval of specifications, acceptance of bid, and award of contract to Bayside Heating and Air Conditioning, Inc., for Silliman Activity Center – HVAC Unit Replacements, Project 1152, with commissioning by Syserco, Inc.**
MOTION APPROVED
RESOLUTION NO. 10674
CONTRACT NO. 17031

NONCONSENT

- F.5 Approval of the Memoranda of Understanding with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA); and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management, Supervisory, and Professional Employee Group.**
RESOLUTION NO. 10675-10678

Council Members Freitas and Collazo recused themselves since they receive medical insurance through the city. Both Council Members left the City Council Chambers

City Manager Becker stated that the labor agreements span a two year term from July 1, 2017 through June 30, 2019. The agreements include the following provisions: A four (4) percent general salary increase on July 1, 2017 and again on July 1, 2018. A gradual increase to the City's partial contribution for medical insurance. The City currently contributes a total monthly amount of \$428 to assist employees in purchasing medical, dental and/or vision insurance. It will increase from \$428 to \$733 per month effective July 1, 2017, to \$780 per month effective January 1, 2018, and to \$813 per month effective January 1, 2019.

Council Member Hannon moved, Vice Mayor Bucci seconded to, by resolutions, adopt the Memoranda of Understanding for the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA), and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management,

Supervisory, and Professional Employee Group. The motion passed, 3 AYES, 2 RECUSED (Collazo/Freitas).

Council Members Freitas and Collazo returned to the City Council Chambers.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Vice Mayor Bucci stated that the annual Relay for Life will be held this weekend.

Council Member Collazo congratulated Police Chief Carroll on his promotion. She stated that the Mariachi Festival will be on Sunday at Shirley Sisk Grove. She encouraged the public to shop in Newark.

Council Member Hannon also congratulated Police Chief Carroll. He stated that Stage 1 would be performing of Rock of Ages at the Ohlone Outdoor Amphitheater in July.

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

K. ORAL COMMUNICATIONS

Richard Dominguez stated his concerns with fireworks. He suggested confining safe and sane locations to one location in the city to separate them from the illegal fireworks and for easier clean up.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of July 13, 2017. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 111411 to 111632.

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

M. CLOSED SESSION

N. ADJOURNMENT at 9:00 p.m.

At 9:00 p.m. Mayor Nagy adjourned the City Council meeting.