



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 8, 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, May 25, 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 ABSTENTION (Collazo).

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced: Aquatics Coordinator Samantha Fallon, Administrative Support Specialist II Katie Dennis, Assistant Building Official Mike Wayne, Human Resources Technician Helen Que-Garcia, Police Officer Christi Wallace and Police Officer Joe Rivera.

C.2 Proclaiming June as Elder Abuse Awareness Month.

Mayor Nagy presented the proclamation to Vanessa Baker of the Alameda County Adult Protective Services Agency and Lillian Rogers of the District Attorney's office

D. WRITTEN COMMUNICATIONS

D.1 Appeal of Planning Commission Decision to approve an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard. **MOTION APPROVED**

Assistant City Manager Grindall recommended that the City Council dismiss the appeal since the Planning Commission decision is conditioned upon City Council approval. The hearing before the City Council is the next item on the agenda.

Council Member Freitas moved, Council Member Collazo seconded to, by motion, dismiss the appeal because a public hearing has already been scheduled under Item E.1 to consider amendments to P-74-1, a planned unit development, and U-74-1, a conditional use permit in order to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard (APN: 92A-720-10). The motion passed, 5 AYES.

E. PUBLIC HEARINGS

E.1 Hearing to consider an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard. RESOLUTION NO. 10641

Assistant City Manager Grindall stated that Stantec Architecture, Inc., has filed an application to rebuild the McDonald's restaurant at 35192 Newark Boulevard with a 4,532 square foot building with 80 seats. The project includes a two-lane drive-thru layout, an additional customer order display and ordering kiosk; an improved menu board speaker; and separate payment and order pick-up windows.

The Planning Commission approved the application on May 9, 2017. Miller Starr Regalia, a law firm on behalf of the owners of the former Mi Pueblo grocery store, appealed the Planning Commission's action to the City Council. Staff has considered the points raised by the appellants and concluded that they are without merit.

The City Council discussed the visibility of the rear buildings, the project process, the trees on the property, and concerns about the upkeep of the surrounding parcels.

Mayor Nagy opened the public hearing at 8:08 p.m.

Tom Clark, representing the applicant, said that he had read the resolution and agreed to the conditions.

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

Dave Lanferman, stated that he worked with the City Attorney on the CEQA issues. This building replacement project fits within a CEQA exemption because it is unlikely to cause an environmental impact that requires further study. The appellant did not provide substantial evidence demonstrating an unusual circumstance to require an environmental study.

Acting City Attorney Brian Libow stated that the City Council may vote on this project, in the absence of the appellant, if adequate notice was sent to the appellant.

Assistant City Manager Grindall confirmed that the appellant was adequately noticed.

Council Member Bucci moved, Council Member Collazo seconded to by resolution, with Exhibit A, pages 1 through 26, approve an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard (APN: 92A-720-10). The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Bucci requested the removal of item F.5 for separate consideration.

Council Member Hannon moved, Council Member Collazo 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 and ordinances. The motion passed, 5 AYES.

CONSENT

- F.1 Second reading and adoption of an ordinance repealing Newark Municipal Code Chapter 3.24 and adding a new Chapter 3.24 entitled Development Impact Fees. ORDINANCE NO. 498**
- F.2 Second reading and adoption of an ordinance repealing Urgency Ordinance No. 496-U and amending Newark Municipal Code Chapters 17.08 ("Definitions") and 17.16 ("R Residential Districts") pertaining to accessory dwelling units. ORDINANCE NO. 499**
- F.3 Authorization for the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards. RESOLUTION NO. 10642**
- F.4 Authorization for the City to apply for a California Governor's Office of Emergency Services (Cal OES) Law Enforcement Support Office (LESO) Grant for a specialized response vehicle. RESOLUTION NO. 10643**

NONCONSENT

- F.5 Authorization to file a request to the Metropolitan Transportation Commission for the allocation of fiscal year 2017-18 Transportation Development Act Article 3 Pedestrian and Bicycle project funding for Citywide Accessible Pedestrian Ramps, Project 1167, and designation of the Alameda County Transportation Commission Bicycle and Pedestrian**

Advisory Committee to serve as the Bicycle Advisory Committee for the City of Newark.
RESOLUTION NO. 10644-10645

Council Member Bucci stated that he served on the Alameda County Transportation Commission Bicycle and Pedestrian Advisory Committee (BPAC) and was excited to see them serving as the BPAC for the City.

Council Member Bucci moved, Council Member Collazo seconded to approve by resolutions: 1) authorize the filing of a request to the Metropolitan Transportation Commission for the allocation of fiscal year 2017-18 Transportation Development Act Article 3 Pedestrian and Bicycle project funding for Citywide Accessible Pedestrian Ramps Project No. 1167; and 2) designate the Alameda County Transportation Commission Bicycle and Pedestrian Advisory Committee to serve as the Bicycle Advisory Committee for the City of Newark. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn the meeting in memory of Richard “Dick” Fullerton.

Council Member Collazo stated that she would be attending the bicycle event at Schilling Elementary School. She congratulated school graduates and their parents. She wished everyone a Happy Father’s Day. She announced that the Music at the Grove concert series begins on June 23, 2017 at Shirley Sisk Grove with Big Bang Beat.

Council Member stated that the Relay for Life movies begins this Saturday at Community Park. This week’s movie will be *Moana*.

Council Member Freitas suggested reviving the Yowza band with new employees.

Council Member Hannon thanked Recreation and Community Services Director Zehnder and city staff for the 54th annual dance review. The young people performing were outstanding.

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

K. ORAL COMMUNICATIONS

No one came forward to speak.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of June 8, 2017. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 111,120 to 111,277.

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

At 8:35 p.m., Mayor Nagy adjourned the meeting in memory of Richard “Dick” Fullerton.