

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

AGENDA

Thursday, March 23, 2017

CITY COUNCIL:

Alan L. Nagy, Mayor
Mike Bucci, Vice Mayor
Luis L. Freitas
Sucy Collazo
Michael K. Hannon

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

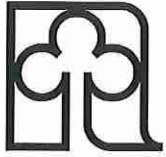
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | M. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | N. ADJOURNMENT |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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AGENDA

Thursday, March 23, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, March 9, 2017. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Police Officers Joyce Wang and Frank Herbert will be at the meeting to be introduced to the City Council.

C.2 Proclaiming March as American Red Cross Month in Newark.(PROCLAMATION)

Background/Discussion – The President of the United States has proclaimed March as American Red Cross Month across the country. A member of the American Red Cross Leadership Council will accept the proclamation at the meeting.

C.3 Commending Nianju Gu, Rotary Club Speech Contest winner, and presentation of her speech. (COMMENDATION)

Background/Discussion – The Rotary Clubs of District 5170 sponsor the Richard D. King Annual Youth Speech Contest each year. Ms. Nianju Gu winner of the Newark Rotary Club's Speech Contest will present her speech "Legos Are For Everyone" at the City Council meeting. Ms. Gu will represent Newark at the North Regional Level Competition on March 31 in San Jose; the first time a Newark Speech Contest contestant has made it to that level of the competition.

Mayor Nagy will present a commendation to Ms. Gu at the City Council meeting in honor of her achievements.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS**F. CITY MANAGER REPORT**

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

F.1 Authorization for the purchase of a new 2017 John Deere 1550 Terrain Cut Commercial Front Mower from Turf and Industrial Equipment Company – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion- The 2016-2018 Biennial Budget for Fiscal Year 2016-2017 includes funding for the replacement of the City of Newark's existing Commercial Front Mower through the City's Equipment Replacement Program. Approximately 74.25 acres of lawn are maintained on a monthly basis. This mower provides for the necessary access around structures and maneuverability on small hills.

Bids for a replacement mower were opened on February 21, 2017. The specification for the bid was based on a 2017 John Deere 1550 Terrain Cut Commercial Front Mower with provisions for a substitution of the specified mower upon approval of the City's Project Manager. The scope of the requested bid included the mower, all specified attachments and options, license fee, shipping, California tire fee, and tax.

One bid proposal was received for the replacement mower from Turf and Industrial Equipment Company for \$23,346.20 as specified. The mower will be equipped with flashers and City logos by staff for an additional cost of \$800.00. The total budget for replacement of this item is \$30,000.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the purchase of a new 2017 John Deere 1550 Terrain Cut Commercial Front Mower from Turf and Industrial Equipment Company.

F.2 Initiation of the 2017 Weed Abatement Program and setting April 27, 2017 for a public hearing - from Deputy Fire Marshal Lee/Maintenance Supervisor Hornbeck. (RESOLUTION)

Background/Discussion – The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Prevention Staff. The abatement work consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and remove debris to facilitate the tractor work. There are 140 industrial, residential and commercial parcels that have large areas of

vacant ground that host seasonal weeds that could become a fire hazard. These parcels are located throughout the City.

Property owners have the option to make their own arrangements for weed and debris removal. They must get the work completed prior to the schedule set for the City's contractor. The City's contractor is scheduled to perform weed abatement work in May and June. Property owners will be asked to return a pre-paid postcard to the City indicating that they will abate their own weeds. Alameda County Fire Department staff will inspect the properties prior to the abatement of the weeds. This provides sufficient opportunity for the property owners to perform their own work. All properties that the City performs the abatement work on will be assessed the full cost of that work, including administration costs.

If necessary, an additional fall program will be scheduled to abate seasonal weeds, like tumbleweeds and re-growth of weeds that occur during the summer months. Prior to any supplemental fall weed abatement work, the City will provide written notices to the affected property owners. A second public hearing for the fall program is not required.

Attachment

Action - It is recommended that the City Council, by resolution, find and declare that weeds growing on specified properties are seasonal and recurrent nuisances; and rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City of Newark are public nuisances and must be abated, and setting April 27, 2017 for a public hearing.

NONCONSENT

F.3 Discussion of options regarding Accessory Dwelling Units regulations - from Assistant City Manager Grindall. (INFORMATION)

Background/Discussion – As a result of recent State legislation, an Urgency Ordinance was approved at the January 12, 2017 City Council meeting that modified regulations governing Accessory Dwelling Units (ADU). There were policy issues raised at that meeting but the discussion was deferred to allow more time for consideration. The key remaining issues were: 1). the potential requirement that the property owner reside in either the main property or the ADU; and 2). the potential limitation of the ADU to no more than one bedroom.

Historically the City of Newark has had very strict regulations on Second Units (now redefined as ADUs.) While such units were technically possible, they were limited to only 275 square feet and required the addition of an off-street parking space to the property. Given these constraints there has not been a second unit constructed in Newark for more than a decade.

The recent State legislation corresponds to a change in attitudes towards ADUs. They are now seen, by many, as an important potential source of affordable housing and a resource for homeowners to increase their income.

The new State laws mandate relaxed requirements and a streamlined process for implementing these units and will likely result in a significant number of units being constructed. The legislation does leave cities with some ability to regulate and control these ADUs.

It is staff's recommendation that given the unknown impact of the relaxation of the restrictions on Accessory Units, it is prudent to utilize the flexibility that State law allows to maintain some reasonable restrictions.

Remaining Issues

1) Requiring Owner Residence on the Property.

Home ownership is a stabilizing influence on residential neighborhoods. Owner occupied properties are generally better monitored and maintained. The allowance of the construction of Accessory Dwelling Units on properties in residential neighborhoods, in itself poses some risk to neighborhood stability, the potential of both the primary building and the ADU being occupied as rentals could impact the character of neighborhoods. On the other hand, allowing both units to be rented would increase the stock of rental housing in Newark and would enhance the financial feasibility of ADU construction. Given the potential impact on neighborhoods, Staff has recommended that the property owner be required to live in one of the units. This is an issue that could be revisited in the future when the level of demand for ADU construction and their impacts on neighborhoods is known.

The Council has three options to consider:

- A) Prohibit rental occupancy of both units. Rental occupancy of either the main home or the ADU would be allowed.
- B) Allow both units to be occupied by renters.
- C) Prohibit rental occupancy of both units in the case of Junior ADUs but allow rental occupancy of both units in the case of Standard ADUs.

2) Limitation of an ADU to a maximum of One Bedroom.

In order to manage the potential impacts of ADUs on established residential areas, staff recommended that ADUs be limited to a single bedroom. It is believed that additional bedrooms would lead to higher occupancy which would further exacerbate the parking impact of the ADU. On the other hand, allowing a larger number of bedrooms would allow for a higher valuation and more flexibility for occupants. Given the potential impacts to neighborhoods, Staff recommends that the ADUs be limited to a maximum of one bedroom.

The Council has three options to consider:

- A) Limit the ADU to no more than a single bedroom.
- B) Allow the ADU to have a maximum of 2 bedrooms.
- C) Allow ADUs to have a maximum of two bedrooms only if one off street parking per bedroom is provided.

Attachment

Recommendation- It is recommended that the City Council discuss these issues and provide feedback to staff to draft an ordinance for future consideration.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointing Senior Citizen Standing Advisory Committee members; declaring a vacancy on the Committee and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (RESOLUTION)(MOTION)

Background/Discussion – Members of the Newark Senior Citizen Standing Advisory Committee (Committee) have terms that expire on April 14, 2017. Kathleen Lemos and Glen Wickizer have each requested a two year reappointment. Tamara Tucker resigned in February and Gloria Wilson is not seeking another term.

The Committee has a membership of not less than 8 or more than 12 members plus a representative of the City Council. The Committee will be reduced to 7 upon the expiration of Ms. Wilson's term. The City Clerk is seeking authorization to post a notice of the upcoming vacancy.

Attachment

Action - It is recommended that the City Council, 1) by resolution, reappoint Kathleen Lemos and Glen Wickizer to the Senior Citizen Standing Advisory Committee; and 2) by motion, declare a vacancy on the Senior Citizen Standing Advisory Committee, and direct the City Clerk to post the notice of vacancy.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of March 23, 2017. (MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.