



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: cityclerk@Newark.org

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

AGENDA

Thursday, April 12, 2018

CITY COUNCIL:

Alan L. Nagy, Mayor

Michael K. Hannon, Vice Mayor

Luis L. Freitas

Sucy Collazo

Mike Bucci

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

Michael Carroll
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:

- | | |
|-------------------------------------|-------------------------|
| 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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A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of March 22, 2018.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employee.

Background/Discussion – Chela Presley was recently hired as an Office Assistant II in the Public Works Department. Mr. Presley will be introduced at the City Council meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider an amendment to the Master Fee Schedule to add a Property/Business Owner Sponsored Concrete Repair by City Contractor within the Public Right-of-Way fee – from Senior Civil Engineer Tran.
(RESOLUTION)**

Background/Discussion – The City’s Master Fee Schedule (MFS) is reviewed annually in June of each year using an analysis of both direct and indirect costs for the delivery of certain City programs and services. Since the last annual review, staff has identified the need to formalize a fee collected for a service that the City of Newark has provided to its residents for the past several years.

This addition would be to the Development Enterprise Fund, Section C, as follows:

020-0000	2260	Property/Business Owner Sponsored Concrete Repair by City Contractor within the Public Right-of-Way	Cost plus 10%
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Per the Section 12.28.090 of Newark’s Municipal Code, property owners are responsible for the maintenance of curb, gutter and sidewalk fronting their property. However, for many years, residents and business owners were provided the opportunity to request various concrete repairs fronting their residence or place of business within the public right-of-way be performed by the City’s Contractor, at their own cost, as part of Newark’s annual Curb, Gutter and Sidewalk Replacement Contract. The resident or business owner would pay the City for the concrete repair work per the City’s contract unit prices received for that year’s Curb, Gutter and Sidewalk Replacement Project.

To continue providing this service to residents and businesses, while also ensuring full cost recovery for the program without overburdening the public, a ten percent (10%) administrative fee is proposed to be added to the actual total cost of the concrete repair work. The ten percent administrative fee would recoup the cost of staff time required to administer the program and is consistent with similar fees in the MFS Development Enterprise Fund for “Services by Others.” The total cost to the resident or business for the requested concrete repair work under the program would be the total cost of the concrete work at the City’s contract unit prices plus the ten percent administrative fee.

The Property/Business Owner Sponsored Concrete Repair Program allows concrete repairs to be completed throughout the City of Newark in a more expeditious manner. In addition, participation in the concrete repair program allows property owners and business owners to forego hiring their own contractor, applying for a City Encroachment Permit and paying the associated fees, insurance and bonding otherwise required for this type of work within the public right-of-way.

Attachment

Action – It is recommended that the City Council, by resolution, amend the 2017-2018 Master Fee Schedule to add a Property/Business Owner Sponsored Concrete Repair by City Contractor within the Public Right-of-Way fee.

F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.6 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Resolution authorizing the Annual Program Submittal for Measures B and BB funding of paratransit services – from Recreation and Community Services Director Zehnder. (RESOLUTION)**

Background/Discussion – The Alameda County Transportation Commission (ACTC) administers the distribution of Measure B and Measure BB funds, a combined one cent transportation sales tax which provides funding to the City of Newark to provide paratransit services for the elderly and disabled. Each year the City is required to submit an application for funding and a budget to ACTC outlining the paratransit services to be offered in the upcoming fiscal year.

ACTC forecasts that the City of Newark will receive approximately \$192,205.35 in Measure B sales tax revenue and \$120,236.82 in Measure BB sales tax revenue for Fiscal Year 2018-2019.

In 2013, the City of Newark amended the Joint Powers Agreement with the City of Fremont enabling Fremont to provide paratransit services to eligible Newark residents. Fremont Paratransit provides door-to-door wheelchair accessible service for Newark seniors ages 70 and older and for people with disabilities, ages 18 and older. Fremont's robust, reliable, and efficient paratransit service provides Newark riders with the following services:

- Service hours – Monday through Friday, 8:00 am – 6:00 pm, Saturday and Sunday, 9:00 am – 3:00 pm
- Service area – service is provided to all parts of the cities of Fremont, Union City and Newark
- Reservation and dispatch system – Monday through Friday, 8:00 am – 5:00 pm, Saturday and Sunday, 9:00 am – 3:00 pm

In addition to these paratransit services, Newark riders also receive access to supplemental transportation services offered through the Fremont Human Services Department:

- Tri-City Taxi Voucher Program
- Tri-City Travel Training Program
- Senior Clipper Card Distribution Program
- Tri-City Mobility Management Program

For these services, the City of Newark will reimburse the City of Fremont at a cost not to exceed \$230,200. This includes a cost per trip billing for all one-way trips as well as monthly administrative fees. The remainder of the funds will be transferred to operational reserves. Should rider demand be greater than projected, the City of Newark has sufficient Measure B and Measure BB Operational Reserves which can be used to offset additional service costs.

The City will also utilize Measure B and Measure BB funding to subsidize the Life Eldercare, Inc., Meals on Wheels service, which provides over 15,500 home-delivered meals annually to Newark residents. Staff is proposing that the level of funding for Fiscal Year 2018-2019 remain at \$7,000.

Attachment

Action – It is recommended that the City Council, by resolution, approve the annual program submittal for Measure B and Measure BB funding for paratransit services for Fiscal Year 2018-2019.

F.2 Establishing the number of residents in the City of Newark for the purpose of determining the voluntary expenditure ceiling for the November 6, 2018, Municipal Election - from City Clerk Harrington.

(RESOLUTION)

Background/Discussion – Pursuant to Municipal Code 2.11.010, Voluntary Expenditure Ceiling, the City has a voluntary campaign expenditure ceiling for elections to City offices at one dollar (\$1) per resident of the City. The contribution limits were established in 1997 and remained the same until 2007 when the City Council increased the contribution limits. The current contribution limit for any candidate who accepts the voluntary expenditure ceiling is \$500. The contribution limit for any candidate who does not accept the voluntary expenditure ceiling is \$100.

Municipal Code 2.11.010 requires the City Council, prior to each election for a City elective office, to adopt a resolution that establishes the number of residents in the City. City elective office means the offices of mayor and of members of the city council. The most recent data from the State of California, Department of Finance, *E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2016 and 2017 Sacramento, California, May 2017*, finds that there are 45,422 residents. Therefore, the amount of the voluntary expenditure ceiling for campaigns for City elective office will be \$45,422 for the November 6, 2018, Municipal Election. This is \$1,218 more than the previous election in 2016.

Attachment

Action - It is recommended that the City Council, by resolution, establish the number of residents in the City of Newark for the purpose of determining the voluntary expenditure ceiling for the November 6, 2018, Municipal Election.

F.3 Approval of the Long-Range Recycling Plan, Amendment to the Abbe & Associates Agreement for Additional Recycling Consultant Services and Amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-2018 – from Administrative Services Director Woodstock.

(RESOLUTION)

Background/Discussion – On March 8, 2018, the draft of the Long-Range Recycling Plan was presented to the City Council. The purpose of this Plan is to provide an understanding of State and local requirements related to waste diversion. The plan also provides information on methods to increase diversion in the City. The Plan divides the methods into short-term, medium-term, and long-term policies and programs.

Upon receiving City Council input, the policy item “Event Recycling Requirements” was changed from a medium-term goal to a short-term goal. The short-term goals in the final version of Long-Range Recycling Plan also include enhanced outreach, enhanced technical assistance, and enhanced website programs.

An amendment has been prepared to the existing Agreement with Abbe & Associates to add consulting services to implement the short-term goals of the Plan. The estimated cost for these consulting services is \$150,000. The City receives Measure D funds which can only be used for the purposes of increasing recycling and waste diversion. There are sufficient Measure D funds available to implement the short-term goals in the Long-Range Recycling Plan. The budget amendment will move the funds from Unallocated Measure D Funds Account to the Professional Services Account

Attachment

Action – It is recommended that the City Council, by resolution, adopt the Long-Range Recycling Plan, approve the First Amendment to the Agreement with Abbe & Associates for Additional Recycling Consultant Services and Amend the 2016-2018 Biennial Budget for Fiscal Year 2017-2018.

F.4 Adoption of the Five-year Forecast 2018-2023 – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – On March 22, 2018, the draft Five-Year Forecast 2018-2023 was presented to the City Council. The Five-Year Forecast analyzes and lays out all of the City’s critical development and economic data, as well as the five-year revenue and expenditure forecast. It includes the strategic and budget plan, which provides direction from the City Council for preparation of the Biennial Budget.

Upon receiving input from the City Council, the following modifications were made to the document:

- A table of minimum wage rates was added in the Organizational Changes section (page 3).
- The housing projections were updated and specific language was added to discuss the 74 unit senior housing project (page 9).
- Information on the Pension and OPEB Reserve Policy was added, including the current balance of reserves of \$8.4 million (page 26).
- The Strategic Plan action items include the status of each item. Those items that are completed indicate what was accomplished (pages 36-50).
- A table was added to the 2016-2018 Recap section to indicate the difference between the forecast as shown in the 2016 document and the current projections for Fiscal Year 2017-2018 (page 3).

Attachment

Action – It is recommended that the City Council, by resolution, adopt the Five-Year Forecast 2018-2023.

F.5 Authorization for the Public Works Director to renew the contract with Rosas Brothers Construction for 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181 – from Senior Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On May 11, 2017, the City Council awarded a contract to Rosas Brothers Construction for 2017 Curb, Gutter, and Sidewalk Replacement, Project 1143, with options to renew annually for up to three (3) additional years. The contractor is agreeable to renewing the contract for 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181. Specifications allow the Public Works Director to exercise renewal of the contract if so approved by the City Council.

The project will remove and replace damaged curb, gutter and sidewalk at various locations located throughout the City. In addition, the project will upgrade curb ramps to meet current ADA standards along those streets included in this year's asphalt concrete overlay project.

The 2016-2018 Biennial Budget includes sufficient funding for an estimated total project cost of \$300,000 in Fiscal Year 2017-2018. This project will be funded through a combination of Alameda County Measure B/BB Sales Tax funds, Vehicle Registration Fee funds, the Traffic Congestion Relief Fund and Road Maintenance and Rehabilitation Account (RMRA) funds.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the Public Works Director to renew the contract with Rosas Brothers Construction for 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181.

F.6 Approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2018-19 Project List – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – In April 2017, the State Legislature passed and Governor Brown approved Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. SB1 established the Road Maintenance and Rehabilitation Program and provides a significant, stable and ongoing increase in state transportation funding to address deferred maintenance on the state highway and local streets and road systems. Funds for the program are deposited into the State Transportation Fund, Road Maintenance and Rehabilitation Account (RMRA). The RMRA receives funds through increased gasoline excise taxes, diesel fuel sales taxes, and vehicle registration fees.

SB1 is projected to generate over \$5 billion annually for state and local transportation improvements. Cities and counties are slated to receive \$1.5 billion at full implementation of SB1. Allocations of funds to cities will be based upon population.

It is projected that the City of Newark will receive approximately \$754,000 of RMRA funds each year. This funding is in addition to the Highway Users Tax Account (or Gas Tax) funds the City receives annually. RMRA funding will be included as part of the City’s 2018-2020 Biennial Budget and Capital Improvement Plan adoption process.

In order to receive RMRA funds from the state, SB1 requires the City to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds. RMRA funds are required to be used towards projects which include, but are not limited to:

- Road maintenance and rehabilitation
- Safety improvements
- Railroad grade separations
- Traffic control devices
- Complete Street components, which include active transportation elements, pedestrian and bicycle safety improvements, transit facilities, and drainage and storm-water capture measures in conjunction with other allowable projects

For Fiscal Year 2018-19, staff recommends that City Council approve the following RMRA project list:

Project Title
Citywide Accessible Pedestrian Ramps
Citywide Street Signs
Thermoplastic Street Striping
2019 Street Patch Paving Program
2019 Asphalt Concrete Overlay Program
2019 Street Slurry Seal Program
2019 Sidewalk, Curb and Gutter Replacement
Traffic Calming Measures

This project list is neither binding nor inclusive. Including a project on the list does not obligate the City to complete the project nor does it limit the flexibility of the City to use RMRA funds toward projects not originally included on the list, so long as the project meets the eligibility criteria listed above.

For Fiscal Year 2017-18, RMRA funds were used on the 2018 Street Slurry Seal Project No. 1180 and the 2018 Sidewalk, Curb and Gutter Replacement Project No. 1181.

Attachments

Action – It is recommended that the City Council, by resolution approve the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2018-19 Project List.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS****I.1 Resolution appointing members to the City of Newark Transactions and Use (Sales) Tax Oversight Committee – from Mayor Nagy. (RESOLUTION)**

Background/Discussion – At the November 8, 2016 election, voters approved a one-half percent transactions and use (sales) tax in the City of Newark beginning April 1, 2017. The Measure GG ordinance requires the establishment of a Citizens' Oversight Committee (Committee) to review the expenditures of the revenue from this tax. The ordinance provides for a five member committee to be appointed by the Mayor and approved by the City Council.

The City Council established the Committee on January 25, 2018. The Committee will review semi-annual revenue and expenditure reports, prepared by staff, and provide the City Council with an annual report on whether the revenues were expended in an appropriate manner. The Committee will consist of 5 members, serving staggered terms, who receive no personal financial benefit related to the expenditures.

A total of 10 applications were received. The Mayor has interviewed Jim Lola, Stanley Keiser, Jacinta Arteaga, Michael Huff, Cary Knoop, Elizabeth Macris, Michael Marzano, John Hastings, Olga Borjon, and Ray Pereira. The Mayor will announce his appointments at the City Council meeting. The remaining applicants may be considered for appointment to other City Committees or Commission, if vacancies occur.

Attachments

Action - It is recommended that the City Council, by resolution, approve the Mayor's appointments to the City of Newark Transactions and Use (Sales) Tax Oversight Committee.

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 April 12, 2018. (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.