



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, July 24, 2014

CITY COUNCIL:

Alan L. Nagy, Mayor
Ana M. Apodaca, Vice Mayor
Luis L. Freitas
Sucy Collazo
Robert Marshall

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Peggy A. Claassen
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:

- | | |
|--|--------------------------------|
| 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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Thursday, July 24, 2014

- A. ROLL CALL
- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 10, 2014. (MOTION)
- C. PRESENTATIONS AND PROCLAMATIONS
- D. WRITTEN COMMUNICATIONS
 - D.1 MUP-14-29, a minor conditional use permit, to establish a large family day care home at 6447 Benecia Avenue – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

Background/Discussion – Ms. Monika Shera has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 6447 Benecia Avenue.

The subject site, which is zoned R-6,000 (Low-Density Residential – 6,000 District), is on the south side of Benecia Avenue, near Ebbetts Street. Ms. Shera currently operates a small family day care home (a facility for up to eight children) at this single-family residence. City staff sent a notice of this application to the 8 property owners within a 100-foot radius of the subject site. Staff has not received any comments from these neighboring property owners.

The Zoning Administrator (ZA) has approved MUP-14-29, a minor conditional use permit, with Exhibit A, pages 1 through 3, to establish a large family day care home at 6447 Benecia Avenue, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

Attachment

Update – At its July 8, 2014 meeting, the Planning Commission chose not to review this “review optional” item.

Action – City Council review of this item is optional.

E. PUBLIC HEARINGS

E.1 Hearing continued from July 10, 2014 to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council continued the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 11 from July 10 to July 24, 2014 due to quorum issues. This district provides for the maintenance of landscaped medians on Edgewater Drive and Parkshore Drive within the Lake Area.

The total assessment for this district as provided in the Engineer’s Report is \$24,800 for the 2014-2015 fiscal year. There are a total of 1,127 properties within this district. The assessment per property is \$22, which is the same amount charged per property last year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 11 for the 2014-2015 fiscal year.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.3 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 Notification to nonelected officials and designated employees to review their Conflict of Interest Code – from City Clerk Harrington. (RESOLUTION)

Background/Discussion – The California Political Reform Act requires that biennially every local Conflict of Interest Code reviewing body shall direct any local group which has adopted a Conflict of Interest Code to review its Code and, if a change in its Code is necessitated by changed circumstances, to prepare and submit an amended Conflict of Interest Code to the code reviewing body.

The only local group in Newark that has adopted a Conflict of Interest Code is the nonelected officials and designated employee group. The code reviewing body for this group is the City Council. The Political Reform Act provides that the City Council must notify the nonelected officials and employees to review their Conflict of Interest Code and submit no later than October 1, 2014, either a written statement that no change in the Code is necessary or that an amended Code must be adopted.

Attachment

Action - It is recommended that the City Council, by resolution, notify the nonelected officials and designated employees to review their Conflict of Interest Code and file their report no later than October 1, 2014.

F.2 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, authorization for resources necessary to provide full traffic control services along the parade and race routes, and waive fees for use of the Community Center and MacGregor Playfields, with exception to the fees required for building attendant and janitorial services – Assistant Engineer Carmen and Police Sergeant Hoppe. (MOTIONS-3)

Background/Discussion – The annual Newark Days Parade and Newark Mile Race will be held on Saturday, September 20, 2014. The routes and start times for the parade and race will be the same as last year. Newark Days Celebration, Inc. has requested that the City: (1) issue a no-fee encroachment permit for the parade and race; (2) provide traffic control services along the parade and race routes; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception to the fees required for building attendant and janitorial services.

Staff will coordinate with Newark Days Celebration, Inc. regarding all anticipated fees associated with police and traffic control services for the parade and race, and for all other necessary police services to be provided during the weekend event.

Attachment

Action – It is recommended that the City Council, by motions: (1) authorize issuance of a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race; (2) authorize resources necessary to provide full traffic control services along the parade and race routes; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception to the fees required for building attendant and janitorial services.

F.3 Approval of Agreement with the Ray Morgan Company for Citywide Multifunction Copier/Scanner/Printer Rental and Services – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – The existing lease for the Citywide multifunction copiers/scanners/printers has expired. A request for proposals (RFP) for new machines was issued on June 26, 2014 and proposals were received on July 10, 2014.

The proposals were evaluated with consideration for cost, customer service ability, ability to provide the desired equipment, and positive references. Proposals were received from the following vendors:

KBA Docusys
Ray Morgan Company
The Swenson Group
Toshiba Business Solutions.

The proposer who best meets the needs of the City based on the criteria listed above is the Ray Morgan Company. This proposer will provide machines that meet the City's requirements and will service the machines at an acceptable price. The proposer submitted two (2) options for copier machines and staff recommends rental option #1, Ricoh Products.

This Agreement will cost approximately \$4,000.00 per month depending on the number of copies/prints made on the 20 machines. This is less expensive than the existing contract.

The initial Agreement is for a three (3) year term with the option to extend up to four (4) more years.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the Mayor to sign the Agreement with the Ray Morgan Company for Multifunction Copier/Scanner/Printer Rental and Services.

NONCONSENT

F.4 An Architectural and Site Plan Review for building elevations for an 85-unit residential townhome development (Integral Communities) on an approximately 4.28 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowry School Road – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – On June 12, 2014, Integral Communities, Inc. submitted an application for the development of 85 townhomes on a vacant lot located at 39850 and

39888 Cedar Boulevard (northeast corner of Cedar Boulevard and Mowry School Road). The project was approved unanimously by the City Council, with the exception of the buildings' architecture. At the request of City Council, the applicant has submitted new building elevations that incorporate an Italian Mediterranean design. The revised townhome elevations break down the overall building mass with varying architectural treatment and color. The roof line is broken up with hip roofs, gable ends, and flat roof parapets. Twelve of the proposed townhomes would have a loft on the fourth floor to provide for additional massing variation along Cedar Boulevard and Mowry School Road. Recessed windows would be provided and would be treated with stucco trim and shutters. Decorative architecture proposed includes wrought iron to be used for railings and pot shelves. Covered decks and balconies provided for private outdoor space would be enhanced with arches.

Attachments

Action – It is recommended that the City Council, by motion, approve ASR-14-9, an Architectural and Site Plan Review, with Exhibit A pages 1 to 4, for a 85-unit residential townhome development (Integral Communities) on an approximately 4.28 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowry School Road.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Appointment of Dolores W. Powell to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)

Background/Discussion – On March 13, 2014, the City Council declared two vacancies on the Senior Citizen Standing Advisory Committee. Sandra Marie Arellano was appointed to one of the vacancies in April and the remaining seat was left open until the vacancy could be filled. Dolores W. Powell has submitted an application. The appointment would be for the remainder of the unexpired term through April 14, 2016.

Attachment

Action - It is recommended that the City Council, by resolution, approve the appointment of Dolores W. Powell to the Senior Citizen Standing Advisory Committee.

I.2 Approval of the dissolution of the Newark Sister City Advisory Committee – from City Council Member Marshall. (RESOLUTION)

Background/Discussion – In January 1999, the Newark Sister City Association advised the City that financial and administrative obstacles compelled them to disband and transfer their status as a nonprofit corporation to that of a City Committee. This would assure continuity of sister city functions. City staff would manage administrative functions and the City Council would be apprised of any activities and actions. In January 2000, confirmation was received that the dissolution process was complete.

After the dissolution of the Association, the Newark Sister City Advisory Committee was formed in March 2000. Committee members would continue to serve as emissaries in hosting visitors from Newark's Sister City, Newark-on-Trent, and to welcome visitors from any other city (not specifically a city named Newark) relationships that the City would develop in the future. The committee has hosted home stays for the 2001 "Newarks of the World" visitors as well as assisting with preparation and activities for the reunion. The committee has also represented Newark, CA throughout the years as delegates at the "Newarks of the World" reunions in New Jersey, Vermont, Ohio, England, Illinois, Texas, and Missouri.

Recently, the Committee has been discussing a possible "Newarks of the World" reunion in September 2015, during the annual Newark Days celebration as the City will be celebrating its 60th birthday at that time. To address this, letters were sent to sister Newark's to inquire of their interest. Unfortunately, there has not been a viable amount of response to make the reunion worthwhile. The Committee has also met with challenges in members not attending meetings and resignations. This lack of reunion interest, lack of participation of committee members, and decline in membership has affected the ability of the group to efficiently meet the goals of the Committee. Therefore, the Committee voted to dissolve the Newark Sister City Advisory Committee. Should the need or interest arise in the future, the reformation of the committee could be reevaluated.

Attachment

Action - It is recommended that the City Council, by resolution, approve the dissolution of the Newark Sister City Advisory Committee.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

M. CLOSED SESSION

- M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) Existing Litigation. Ray v. City of Newark et al., Alameda County Superior Court Case No. RG13685319 – from City Attorney Benoun.**

Background/Discussion – City Attorney Benoun has requested that the Council convene in closed session pursuant to Government Code Section 54956.9(d)(1), Existing Litigation.

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.