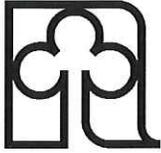


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CITY OF NEWARK CITY COUNCIL

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, December 11, 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:

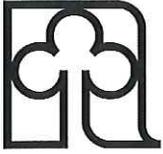
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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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City Administration Building
7:30 p.m.
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AGENDA

Thursday, December 11, 2014

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, November 13, 2014. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Declaring the results of the General Municipal Election of November 4, 2014 – from City Clerk Harrington. (RESOLUTION)(MOTION)(ORDINANCE)**

Background/Discussion – The official canvas of votes for the General Municipal Election held on Tuesday, November 4, 2014, for the purpose of filling the office of the Mayor, two Council Member seats, and Measure Y has been completed by the Alameda County Registrar of Voters office. Alan L. Nagy was elected as Mayor for a two year term. Michael Hannon and Mike Bucci were each elected as a member of the City Council for a four year term. Measure Y was approved, extending the Utility Users Tax to December 31, 2020 and effective January 1, 2016 reducing the tax rate to 3.25%.

Section 15374 of the California Elections Code states that, upon the completion of the canvas and before installing the new officers, the legislative body shall adopt a resolution reciting the facts of the election, the total number of ballots cast in the City, the names and offices of each person voted for, and the number of votes cast at each precinct for each candidate.

Attachment

Action - It is recommended that the City Council, by resolution, declare the results of the General Municipal Election of November 8, 2014 and by motion, authorize the Mayor to sign the initiative ordinance of the voters of the City of Newark extending a Utility Users Tax on Utility Services (Electricity, Gas, Telecommunications, and Video) and amending Title 3, Revenue and Finance, by amending Chapter 3.18 of the Newark Municipal Code.

- C.2 Presentation of election certificates and administration of Oath of Office – from City Clerk Harrington.**

Background/Discussion – California Elections Code requires the City Clerk to sign and deliver to each person elected a Certificate of Election after the City Council has declared the results of the Consolidated General Municipal Election of November 4, 2014. The Oath of Office shall also be administered to each person elected as prescribed in the California Constitution.

**C.3 Appointment of Mayor Pro Tempore and authorization for the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments–
from Mayor Nagy. (MOTION)(RESOLUTION)**

Background/Discussion – During the latter part of the year, the City Council reorganizes by appointing one of its members to serve as Mayor Pro Tempore. After the Mayor Pro Tempore has been selected, a resolution authorizing the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments will need to be approved by the City Council.

Attachment

Action - It is recommended that the City Council: (1) by motion, appoint one of its members as Mayor Pro Tempore; and (2) by resolution, authorize the new Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.7 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 Approval of the 2015 Local Appointments List – from City Clerk Harrington. (MOTIONS-3)

Background/Discussion – Section 54970 et. seq. of the Government Code is commonly known as the Maddy Act or Local Appointments List. Section 54972 requires that on or before December 31 of each year, each legislative body in the state shall cause to be prepared and posted a Local Appointments List of all regular and ongoing boards, commissions, and committees, which are appointed by the legislative body of the local

agency. The Local Appointments List is to be made available to the public and must contain the following information:

- A list of all appointive terms, which will expire during the calendar year, with the names of the incumbent appointee, the date of the appointment, and the date the term expires.
- A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body and the necessary qualifications for each position.

Legislation also requires that the City Council designate the public library with the largest service population within its jurisdiction to receive a copy of the list.

Members of the City's Planning Commission and the Senior Citizen Standing Advisory Committee are appointed by the City Council and should be listed on the Local Appointments List. Those terms that expire in 2015 are:

Planning Commission

William Fitts, term expires December 2015

Debbie Otterstetter, term expires December 2015

Senior Citizen Standing Advisory Committee

Mary Hammock, term expires April 2015

Margrith Reichmuth, term expires April 2015

Vacancy, term expires April 2015

Attachment

Action - It is recommended that the City Council, by motions: (1) approve the 2015 Local Appointments List, (2) designate the Newark Public Library as the library to receive a copy of the list, and (3) direct staff to post the Local Appointments List.

F.2 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2014 – from Administrative Services Director Woodstock. (MOTION)

Background/Discussion – As part of the year-end closing process, staff presents the audited Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2014. The financial statements included in this report provide information on the City's year-end financial condition and the results of operation for the Fiscal Year 2013-2014. The report was audited by our independent auditors, Badawi & Associates, who have issued an unqualified opinion on the report.

The City's financial statements were prepared according to the requirements of the Government Accounting Standards Board (GASB). The two government-wide financial statements provide a broad view of the City's financial position and activities in a manner similar to the private sector business reporting. The Statement of Net Position provides information about the financial position of the City, including all

assets and liabilities. The Statement of Activities provides information about the City's revenues and expenses. In the Transmittal Letter and Management Discussion and Analysis, the Administrative Services Director provides a narrative overview and analysis of the City's financial activities and performance during the fiscal year.

Copies of the CAFR have been provided to the City Council. A copy has also been placed in the Newark Library.

Attachment

Action - It is recommended that the City Council, by motion, accept the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2014.

F.3 Acceptance of work with Ghilotti Bros., Inc. for 2014 Asphalt Concrete Street Overlay Program, Project 1063 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On June 12, 2014, the City Council authorized award of a contract to Ghilotti Bros., Inc. for 2014 Asphalt Concrete Street Overlay Program, Project 1063. This project provided pavement grinding, paving, and re-striping on various City streets.

All work on this project was completed on time and within the original approved budget using combination of Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, the Traffic Congestion Relief Fund, and State gas tax subventions.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Ghilotti Bros., Inc., for 2014 Asphalt Concrete Street Overlay Program, Project 1063.

F.4 Acceptance of work with VSS International, Inc. for 2014 Street Microsurfacing Program, Project 1064 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On July 10, 2014, the City Council authorized award of a contract to VSS International, Inc. for 2014 Street Microsurfacing Program, Project 1064. This project provided a microsurfacing application of sand, aggregate, and asphalt emulsion mixture as well as pavement re-striping on various City streets.

All work on this project was completed on time and within the original approved budget using the Traffic Congestion Relief Fund.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with VSS International, Inc., for 2014 Street Microsurfacing Program, Project 1064.

F.5 Approval of Tentative Parcel Map 10295 for commercial condominium purposes at 7015 and 7151 Gateway Boulevard – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – Kier and Wright Civil Engineers and Surveyors, Inc., on behalf of KBS Bridgeway Technology Center, LLC, the property owner, has submitted a tentative parcel map for a proposed single-parcel division of land for commercial condominium purposes at 7015 and 7151 Gateway Boulevard. The site is currently one legal parcel and is proposed to remain a single legal parcel with the future recording of a parcel map. The purpose of the record map filing is to obtain approval for up to four (4) commercial condominium spaces within the two existing buildings on the site.

The site encompasses approximately 12.97 developed acres and is zoned MT-1 (High Technology Park District) with a SI (Special Industrial) General Plan Land Use Designation. The two existing office/warehouse buildings were constructed with approximately 186,000 square feet of combined building area. There are no planned improvements associated with the tentative parcel map. Existing utilities and parking facilities will remain and are sufficient for existing and proposed uses. Recommended conditions of approval include requirements for establishing a property owners' association, the recording of covenants, conditions, and restrictions (CC&Rs), and the creation of shared utility and parking easements over the common area of the site for benefit of any future condominium owners. Recommended conditions for landscaping and pavement maintenance are also included.

Pursuant to the Newark Subdivision Ordinance, the Public Works Director acts as the advisory agency for tentative parcel maps. This map is categorically except under the California Environmental Quality Act (CEQA), Article 19, Section 15315 "Minor Land Divisions." A Notice of Exemption can be filed by staff following City Council action on the tentative parcel map.

Attachment

Action - It is recommended that the City Council, by resolution, approve Tentative Parcel Map 10295 for commercial condominium purposes at 7015 and 7151 Gateway Boulevard.

F.6 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2013-2014 in accordance with Government Code Section 66006(b) – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – The City Council of the City of Newark adopted three development impact fees on July 27, 2000, pursuant to Government Code Section 66001, and updated those fees on January 25, 2007. The City Council adopted a Non-Residential Housing Impact fee on June 10, 2004 and a Community Development Maintenance Fee on May 27, 2010. The City Council also adopted a Park Impact fee on September 26, 2013

and an Affordable Housing Impact fee on April 10, 2014. Government Code Section 66006(b) requires that any city that has adopted impact fees shall provide an annual report on fees collected, interest earned, and the status of planned public improvements to be funded with the fees.

Staff has completed an Annual Report on Newark Impact Fees for Fiscal Year 2013-2014. The report contains all information required by Government Code Section 66006(b) and has been noticed and distributed accordingly.

Attachment

Action - It is recommended that the City Council, by motion, accept the Annual Report on Newark Development Impact Fees for Fiscal Year 2013-2014 in accordance with Government Code Section 66006(b).

F.7 Authorization for the Mayor to reaffirm the authorization of the continued participation of the City of Newark in the Alameda County Urban County for Community Development Block Grant Funds for Fiscal Years 2015-2017 and the execution of the revised cooperation agreement on September 18, 2014 – from Assistant City Manager Grindall (RESOLUTION)

Background/Discussion – Each year, as part of the Alameda County Urban County, the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair. On September 18, 2014, the City of Newark with Resolution No. 10269, executed a revised cooperation agreement with the County of Alameda to continue its participation in the Alameda County Urban County for federal fiscal years 2015, 2016 and 2017. The agreement was revised at HUD's request in order to incorporate standard language and meet necessary requirements.

Following the execution of the revised cooperation agreement, HUD requested that a revised resolution be adopted to reaffirm that the City previously authorized the execution of the revised agreement and confirm that the revised agreement had been executed on September 18, 2014.

By approving this resolution, the City Council will authorize the Mayor to reaffirm the authorization of the continued participation of the City of Newark in the Alameda County Urban County for Community Development Block Grant Funds for Fiscal Years 2015-2017 and the execution of the revised cooperation agreement on September 18, 2014.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to reaffirm the authorization of the continued participation of the City of Newark in the Alameda County Urban County for Community Development Block Grant Funds and the

execution of the revised cooperation agreement on September 18, 2014 by the Mayor of the City of Newark.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Declaring a vacancy on the Newark Planning Commission and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (MOTION)

Background/Discussion – A vacancy has occurred on the Planning Commission due to the election of Michael Hannon to the City Council. Mr. Hannon’s Planning Commission term was scheduled to expire in December 2016.

Pursuant to Government Code Section 54974, whenever an unscheduled vacancy occurs on a commission a special vacancy notice shall be posted not later than 20 days after the vacancy occurs. The vacancy notice must be posted for at least ten days before the Mayor may appoint a new commission member.

Attachment

Action - It is recommended that the City Council, by motion, declare a vacancy on the Newark Planning Commission and direct the City Clerk to post the notice of vacancy.

I.2 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTIONS - 2)

Background/Discussion – On a yearly basis, the Mayor appoints City Council Members to various agencies, boards, commissions, and committees. The current appointments are as follows:

Alameda County Fire Advisory Commission	Council Members Apodaca and Collazo – delegate and alternate
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Alameda County Library Advisory Commission	Council Members Collazo and Mayor Nagy – delegate and alternate
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Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Marshall and Apodaca – delegates
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Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Freitas and Marshall – delegate and alternate
Association of Bay Area Governments (ABAG)	Council Member Apodaca and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Council Members Apodaca and Freitas – delegate and alternate
Newark City Council –Board of Education Liaison Committee	Council Members Apodaca and Collazo – delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic Information System Authority	Mayor Nagy - delegate Vacancy - alternate
Tri-City Waste Facility Financing Authority	Mayor Nagy and Council Member Freitas delegates

In addition to these assignments, Vice Mayor Apodaca was the City's representative to the Housing Authority of Alameda County. This four year appointment, made by the Alameda County Board of Supervisors, expires in 2015 and is usually not included on the annual assignment list. A Council Member should be appointed to the unexpired seat.

Attachment

Action - It is recommended that the City Council, by resolutions, (1) approve the appointments to the various agencies, boards, commissions, and committees; (2) approve the appointment of a Council Member to fill the unexpired seat on the Housing Authority of Alameda County.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

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.