# CITY OF NEWARK
# CITY COUNCIL

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

# AGENDA

**Thursday, March 13, 2014**

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

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

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.

City Council meetings are cablecast live on government access channel 26 and streamed at http://newarkca.pegsteam.com.
Agendas are posted pursuant to Government Code Section 54954.2. Supporting materials are available at the Newark Library, in the City Clerk's office or at www.newark.org on the Monday preceding the meeting. For those persons requiring hearing assistance, or other special accommodations, please contact the City Clerk two days prior to the meeting.

# CITY OF NEWARK
# CITY COUNCIL

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

**AGENDA** **Thursday, March 13, 2014**

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

## A. ROLL CALL

## B. MINUTES

**B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 27, 2014. (MOTION)**

## C. PRESENTATIONS AND PROCLAMATIONS

**C.1 Proclaiming March 13, 2014, as Arbor Day in Newark. (PROCLAMATION)**

**Background/Discussion –** In recognition of our continued dedication and commitment to the management of tree resources, the City of Newark has been named a Tree City U.S.A. for the twenty-seventh consecutive year by the National Arbor Day Foundation. An effective urban tree management program requires an on-going maintenance program, along with a program of renewal that includes planting new trees. In celebration of Arbor Day, a public tree planting will be held before the City Council meeting on the west side of the City Administration Building parking lot.

Maintenance Supervisor Sue Carey will be at the meeting to accept the proclamation.

**C.2 Presentation by the Farmers and Farmerettes Square Dance Club. (PRESENTATION)**

**Background/Discussion –** The Farmers and Farmerettes Square Dance Club is a Newark-based group that does exhibition and entertainment square dancing and is also involved with local charities. Don Baker and representatives from the Farmers and Farmerettes will be at the City Council meeting to present a contribution to the Newark Betterment Corporation.

## D. WRITTEN COMMUNICATIONS

## E. PUBLIC HEARINGS

## F. CITY MANAGER REPORTS – No Consent Calendar items.

## NONCONSENT

### F.1 Authorization for the Mayor to sign an agreement with Godbe Research to provide consultant services for public opinion sampling and evaluation of possible public support for an extension of the existing City of Newark Utility User Tax – from City Manager Becker. (RESOLUTION)

**Background/Discussion –** In November 2010, Newark voters approved Measure U, a temporary 3.5% Utility User Tax (UUT) within the City of Newark. The tax is applied to electricity, natural gas, telecommunications, and cable television services and includes exemptions for low income residents and senior citizens over the age of 70. The UUT is scheduled to sunset on December 31, 2015. In early 2011, the City Council adopted a Restoration Plan to use the UUT revenue to reinstate previously cut services and to begin to rebuild City reserves. The Restoration Plan included:

- Reopening the Senior Center
- Adding 2 Police Officers including a Detective and a School Resource Officer
- Reinstating the Neighborhood Watch Program and expanding a police volunteer program
- Increasing park and landscape maintenance throughout the City
- Increasing street sweeping from once every two months to once per month
- Reinstating the Ash Street Summer Program which serves at-risk youth
- Reinstating the School Crossing Guard Program
- Adding Community Preservation staffing
- Rebuilding the City's fiscal reserves.

The UUT revenue also supports additional base services in the Police Department, Parks and Street Maintenance, and the Recreation and Community Services Department. Despite the recent improvement in the economy, the UUT revenue continues to make up a vital portion of the City's operating revenue. The UUT generated $3.4 million in revenue for the City in fiscal year 2012-2013. This represents approximately nine percent (9%) of the City's total operating revenue.

On February 13, 2014, a City Council Work Session was held to discuss the 2014-2016 Biennial Budget and to review budget projections for subsequent years. Budget projections indicate that there will be significant operating budget deficits in the subsequent years following the expiration of the Utility User Tax. Despite the City's continued conservative budget balancing measures, revenue growth is not projected to keep up with projected expenditures. In order to balance future budgets it is anticipated that reductions or elimination of programs and services would have to be made. Projections also indicate that the City's operating budget reserve funds which were built after the passage of the UUT would be quickly exhausted bridging the projected deficits. A continued need for the UUT revenue appears necessary to avoid long-term deficits without significant cuts in services to the community.

As a result of this information, the City Council directed staff to facilitate a public opinion poll to evaluate possible public support for an extension of the existing City of Newark Utility User Tax to address the projected operating budget deficits.

To facilitate the opinion poll, staff contacted Godbe Research, a recognized leader in revenue measure feasibility polling services. Godbe Research has provided this type of service for numerous local government agencies and previously performed polling services for the City of Newark in 2008.

The proposed scope of work will include:

- Reviewing voter and resident information and developing a stratified and clustered sample of Newark voters.
- Designing a survey instrument to determine issues of importance to the community and to identify resident's service priorities.
- Conduct a set of 15 to 18 minute telephone interviews using a strict interview protocol
- Analyzing the survey results and preparing a comprehensive report of findings
- Presenting the results and recommendations from the survey to City staff and the Newark City Council.

The fee for these services would not exceed $22,575. This amount is consistent with the fees charged by other firms that provide these types of services. Funding will come from the approved 2013-2014 budget.

**Attachment**

**Action -** It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Godbe Research for consultant services for public opinion sampling and evaluation of possible public support for the extension of the existing City of Newark Utility User Tax.

## G. CITY ATTORNEY REPORTS

## H. ECONOMIC DEVELOPMENT CORPORATION

## I. CITY COUNCIL MATTERS

**I.1 Reappointment of Carol McCarty to the Tri-City Elder Coalition Volunteer Community Board – from Mayor Nagy. (RESOLUTION)**

**Background/Discussion** – The term of Tri-City Elder Coalition Volunteer Community Board appointee Carol McCarty expires in June. The Tri-City Elder Coalition Volunteer Community Board (TCEC) is appointed and includes representation from senior services providers, non-profit organizations, cultural and faith groups, government, and business. The Board meets 6 times a year and oversees TCEC's mission and initiatives. Ms. McCarty has submitted a request for two year reappointment.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, reappoint Carol McCarty to the Tri-City Elder Coalition Volunteer Community Board.

### I.2 Reappointments to the Senior Citizen Standing Advisory Committee and declaration of vacancies – from Mayor Nagy. (RESOLUTION)(MOTION)

**Background/Discussion** – The terms of Senior Citizen Standing Advisory Committee Members Mel Nunes, Carol Hewitt, Faye Hall, Carol McCarty, Elwood Ballard, and Rick Arellano will expire on April 14, 2014. Committee Members Hall, McCarty, Ballard, and Arellano each requested two year reappointments. Committee Members Nunes and Hewitt are not seeking reappointment.

Pursuant to Government Code Section 54974, whenever a vacancy occurs on a commission a special vacancy notice shall be posted no later than 20 days after the vacancy occurs. The vacancy notice must be posted for at least ten days before the Mayor may appoint new Committee Members, with the approval of the City Council.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, approve the reappointment of Faye Hall, Carol McCarty, Elwood Ballard, and Rick Arellano to the Senior Citizen Standing Advisory Committee, for a term to expire on April 14, 2016 and by motion declare vacancies on the Senior Citizen Standing Advisory Committee and direct the City Clerk to post a vacancy notice.

## 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.