



# CITY OF NEWARK CITY COUNCIL

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

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

## AGENDA

Thursday, May 22, 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](http://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, May 22, 2014

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 8, 2014. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

- C.1 Proclaiming June as Celebrating Business Month in Newark. (PROCLAMATION)**

**Background/Discussion** – June is Celebrating Business Month in the City of Newark. Chamber President/CEO Valerie Boyle and members of the Newark Chamber of Commerce will accept the proclamation at the meeting.

- C.2 Presentation of Students of the Year Awards. (PRESENTATION)**

**Background/Discussion** – The Newark Unified School District has selected a Student of the Year from each of our local schools. The Newark Rotary Club will present each individual with a certificate. Each Student of the Year has been invited to attend the City Council meeting.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.4 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 Authorization for the Mayor to sign a Lease Agreement with Alameda County for lease of the Newark library facility – from City Attorney Benoun. (RESOLUTION)**

**Background/Discussion** – The one-year Lease Agreement with Alameda County for the library facility will expire on June 30, 2014. The County wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain the same as in the past.

The rent for the library facility will remain at \$1 per year in addition to monthly payments of \$2,405.06 to cover the full cost of janitorial services (including contract administration) to be provided for that building.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the Mayor to sign a Lease Agreement with the County of Alameda to provide a public library facility.

**F.2 Approval of plans and specifications, acceptance of bid and award of contract to United Storm Water, Inc., for Storm Drain Trash Capture Devices, Project 1059 – from Senior Civil Engineer Fajeau. (MOTION)(RESOLUTION)**

**Background/Discussion** – Project 1059 will provide for the installation of 118 trash capture devices in various storm drain inlets. These devices represent part of the City’s efforts to reduce the amount of trash that enters the public storm drain system and addresses requirements of the Municipal Regional Stormwater Permit. All installations are scheduled to be completed in June 2014.

Bids for the project were opened on May 12, 2014 with the following results:

<b>Bidder</b>	<b>Amount</b>
United Storm Water, Inc.	\$ 62,186.00
Engineer’s Estimate	\$ 70,000.00

The 2012-2014 Biennial Budget includes full funding for the project with the use of Capital Funds.

**Attachment**

**Action** - It is recommended that the City Council, by motion, approve the plans and specifications, and by resolution, accept the bid and award the contract to United Storm Water, Inc., for Storm Drain Trash Capture Devices, Project 1059.

**F.3 Approval of plans and specifications, acceptance of bid and award of contract to AJW Construction for 2013 and 2014 Citywide Wheelchair Accessible Ramps, Projects 1022 and 1048 – from Senior Civil Engineer Fajeau. (MOTION)(RESOLUTION)**

**Background/Discussion** – Projects 1022 and 1048 will provide for the installation of 57 additional wheelchair accessible ramps at various Citywide locations.

Bids for the project were opened on May 13, 2014 with the following results:

<b>Bidder</b>	<b>Amount</b>
AJW Construction	\$125,400.00
Breneman Inc.	134,976.00
Rosas Brothers Construction	142,500.00
J.J.R. Construction, Inc.	165,300.00
Sposeto Engineering Inc.	169,461.00
FBD Vanguard Construction Inc.	207,936.00
 Engineer's Estimate	 \$ 115,000.00

Although the apparent low bid exceeded the Engineer's Estimate and includes a bid unit price more than 25% higher than a similar project undertaken two years ago, the quantity and range of bids received demonstrates that the bid is competitive with current market conditions. The 2012-2014 Biennial Budget includes full funding for these projects with the use of Measure B Local Streets and Roads funds, Measure Bicycle and Pedestrian funds, and Transportation Development Act (TDA) Article 3 special grant funds.

**Attachment**

**Action** - It is recommended that the City Council, by motion, approve the plans and specifications, and by resolution, accept the bid and award the contract to AJW Construction for 2013 and 2014 Citywide Wheelchair Accessible Ramps, Projects 1022 and 1048.

**F.4 Authorization for the Mayor to sign two agreements with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2014-2015; and participation in the Alameda County Urban County for Fiscal Years 2015-2017 – from Assistant Planner Jimenez. (RESOLUTIONS - 2)**

**Background/Discussion** – Each year 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.

Newark's funds are disbursed through Alameda County. The County oversees Newark's use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between

Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between Newark and Alameda County is attached. By approving this resolution, the City Council will authorize the Mayor to sign the agreement between the City of Newark and Alameda County, thereby continuing the City's participation in the CDBG program.

Alameda County specifically administers CDBG funds for the City of Newark because it is a federal government requirement that community development grants be made available to cities whose 2010 census population exceeds 50,000 persons. The City of Newark population falls below this target. However, the federal government allows smaller cities, such as Newark, to combine together and form an "urban county" with a combined population of 200,000 persons or more, as an alternative method of receiving CDBG funding. Newark has joined together with Albany, Dublin, Emeryville, Piedmont and the unincorporated county of Alameda County to form the Alameda County Urban County. Every three years, Alameda County must re-qualify as an Urban County to receive its Community Development Block Grant allocation. By approving this resolution, the City Council will authorize the Mayor to sign a three-year agreement between the City of Newark and Alameda County for fiscal years 2015, 2016, and 2017, and continue its participation in the Alameda County Urban County.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolutions: 1) authorize the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for the 2014-2015 fiscal year; and 2) authorize the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Years 2015-2017.

- G. CITY ATTORNEY REPORTS**
- H. ECONOMIC DEVELOPMENT CORPORATION**
- I. CITY COUNCIL MATTERS**
- 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, 5<sup>th</sup> 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.