

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, May 28, 2015

CITY COUNCIL:

Alan L. Nagy, Mayor
Sucy Collazo, Vice Mayor
Luis L. Freitas
Michael K. Hannon
Mike Bucci

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:

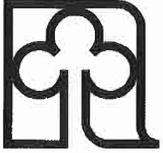
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | K. REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | L. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | M. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | N. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | O. 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.



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, May 28, 2015

The agenda was revised on 5/23/2015 to add closed session M.2.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 14, 2015. (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 Awards for Students, Teacher, and Classified Employee of the Year. (PRESENTATION)**

Background/Discussion – The Newark Unified School District has selected a Student of the Year from each of our local schools. The District has selected a Teacher and Classified Employee of the Year. The Newark Rotary Club will present each individual with a certificate.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider abandonment of a portion of Hickory Street right-of-way north of Perrin Avenue - from Assistant City Engineer Fajeau. (RESOLUTION)**

Background/Discussion – On April 23, 2015, the City Council adopted Resolution No. 10,345 declaring its intention to abandon a portion of Hickory Street right-of-way north of Perrin Avenue. The proposed abandonment would be limited to the 40-foot wide western

half of the existing Hickory Street right-of-way between the Alameda County Flood Control and Water Conservation District (District) property located immediately north of Perrin Avenue to a point approximately 335 feet north of the District boundary. This right-of-way has never been improved to public street standards, is not currently used as a public street, and is not needed for future street purposes.

The requested abandonment is consistent with Vesting Tentative Tract Map 8085, TTM-12-25, originally approved by the City Council on November 29, 2012, and as amended on February 28, 2013. As part of the wetlands mitigation work associated with the project, conditions of approval require abandonment of the unused right-of-way prior to the start of construction activities.

If abandoned, this portion of the Hickory Street right-of-way would revert back to William Lyon Homes, Inc., as the adjacent property owner to the west. Utility providers with services in this general area have been notified of the proposed right-of-way abandonment. Utility easements for existing overhead electrical utilities and sanitary sewer facilities will be reserved over portions of the right-of-way. Staff has not received any objections to this proposed abandonment.

Attachment

Action - It is recommended that the City Council, by resolution, abandon a portion of Hickory Street right-of-way north of Perrin Avenue.

- E.2 Hearing to consider: (1) a resolution to approve a General Plan Amendment to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) a resolution, revoking a planned unit development and a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69) – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

Background/Discussion - In October 2014, the City Council approved a General Plan Amendment, a planned unit development, and a conditional use permit to allow a private school (Stratford School) at 39201 Cherry Street. Subsequent to that approval, Stratford School informed the City that they would not be pursuing the project.

As the approval of the planned unit development and conditional use permit limits uses on the site to a private school only, the owner of the building has requested revocation along with a General Plan Amendment to restore the Special Industrial designation.

The applicant is requesting the General Plan designation be restored to S-I (Special Industrial) as it was before the private school project. The S-I designation was designed to accommodate high-tech, research and development uses envisioned for the area and is still consistent with the nearby Stevenson Point Tech Park, Ohlone College, and the envisioned development of adjacent Area 3.

Attachment

Update – At its May 12, 2015 meeting, the Planning Commission approved: (1) Planning Commission Resolution No. 1910, recommending City Council approval of a General Plan Amendment (GPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) Planning Commission Resolution No. 1911, revoking P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69).

Action - It is recommended that the City Council: (1) by resolution, approve a General Plan Amendment (GPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) by resolution, revoke P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school located at 39201 Cherry Street (APNs: 901-110-68 & 69).

E.3 Hearing to consider: (1) a planned unit development, and a conditional use permit, to hold SummerFest in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and (2) a waiver of the application fees. NewPark Mall is located to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 (Nimitz Freeway) – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)

Background/Discussion - The Newark Chamber of Commerce has submitted an application to hold their seventh annual outdoor fund-raising festival called “Summerfest” in the NewPark Mall parking lot on July 11, 2015 (Saturday) and July 12, 2015 (Sunday). Summerfest is a two-day festival consisting of activities such as arts and crafts, food and commercial vendors, live music, micro-breweries, a car show and a kid’s zone. Summerfest is proposed to be held from 10:00 a.m. to 6:00 p.m. each day. The event would take place in the parking lot between Sear’s and Macy’s, next to the Newark Farmers Market that is held on Sundays. The Chamber would use the funds raised from the event to promote local businesses. NewPark Mall is zoned CR (Regional Commercial). Approval of a conditional use permit and a planned unit development is required.

Last year’s event was held at the same location as proposed this year. Planning staff has not received any complaints regarding any prior Summerfest event. As such, staff recommends approval of the conditional use permit and planned unit development application for the events to be held on July 11, 2015 and July 12, 2015, subject to the conditions of approval listed in the attached resolution; and further recommends that if approved, the application be granted a three-year approval good for two days (to be determined) during the summer of 2016 and 2017.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15304, Class 4(e), minor temporary use of land having negligible or no permanent effects on the environment.

Attachment

Update – At its meeting of May 12, 2015, the Planning Commission approved Resolution No. 1909, for P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, car show, and a kids' zone) in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017.

Action - It is recommended that the City Council: (1) by resolution, approve P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and (2) by motion, waive the application fees.

- E.4 Hearing to consider: (1) adopting a resolution approving P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) adopting a resolution approving the second Addendum to the Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012), for development of 542 residential units within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

Background/Discussion - William Lyon Homes is seeking further approvals for the development of the Torian parcels within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area and has submitted applications for a planned unit development and conditional use permit, and for architectural and site plan review, with several project refinements to the City for review and approval (the project). The project proposes the construction of 542 residential units on 42.22 acres generally located on the west side of Willow Street at the terminus of Central Avenue in the City of Newark. The 42.22 acres being developed with residential uses is wholly within the 205-acre TOD Specific Plan area. The project refinements include relocating a wetland connection directly to the Alameda County Flood Control District (ACFCD) F1 Channel under the ACFCD access road, a reconfiguration of the proposed wetland area that would require less of the Hickory Street right-of-way, reconfiguration of certain lots and internal roads, realignment and enlargement of the wetlands reserve to 4.57 acres from 3.5 acres, and realignment of a trail to the north side of the wetlands reserve, a further reduction in the total proposed number of units from 547 units to 542 units, and other minor adjustments to the site plan. A conceptual alignment for the relocation of the force mains through the project site required by a 2013 Regional Board approval is also now available.

Planned Unit Development/Conditional Use Permit

The project proposes the development of a previously analyzed and approved project with minor deviations from the City's Form Based Code for the TOD Specific Plan area. These deviations require the approval of a planned unit development permit and accompanying conditional use permit. The specific proposed deviations are: (1) Village 3 would include 0' front setbacks in lieu of 10' setbacks for Plan 3. This reduced setback is generally consistent with the attached housing product included in the Village and would eliminate a potential nuisance corridor at the end of the Village's alleys; (2) Residences in Village 4 would have rear yard setbacks of 5.5' in lieu of 10'. The Village 4 rear yards have been designed to wrap around the corner of the residences which results in a greater amount of total rear yard square footage that the minimum required by the Form Based Code and is therefore consistent with the intent of the code; and (3) The garages fronting the public street in Villages 4 would exceed the Form Based Code allowed façade area, however these garages would be split with varied setbacks to address the intent of the Form Based Code to avoid unarticulated frontages.

With these design changes, the project would result in 542 residential units and thus would continue to advance the Specific Plan's objectives to develop residential uses of stable and desirable character on the site; and the project would continue to achieve the purpose of the Form Based Code to ensure that the design and form of the development is compatible with the surrounding environment. Further, the environmental effects of the Project, including those related to traffic and affecting public health and safety, have been analyzed in previous CEQA documents, as discussed below. These CEQA documents demonstrate that the project would not overload roadways and would not adversely affect health and safety.

Architectural and Site Plan Review

Before the Project can be approved, in addition to the other requirements and approvals discussed herein, the City has required that the Project undergo architectural and site plan review. The proposed site plan substantially conforms to Vesting Tentative Tract Map 8085 and will produce a high quality residential development with landscaping and other site improvements that will greatly enhance the site, improve land values, and will complement existing development in the area and the City of Newark. Development of the 542 residential units as shown in the site plan would also promote the objectives of the TOD Specific Plan to produce an attractive, desirable residential community on the Torian parcels.

The proposed architectural styles are Seaside Modern and Agrarian to be consistent with the DTOD Form Based Codes.

Environmental Determination

The Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012) was certified by the City of Newark on September 8, 2011. The EIR analyzes the impacts of development that will occur on many different parcels owned by various entities within the 205-acre Specific Plan area, including the Torian parcels at issue for the Project. The EIR analyzed the impacts of the construction and operation of 583

residential units on the Torian parcels. The Project calls for development of 542 residential units, which is 40 units less than the development already analyzed by the EIR.

Relying on the EIR, on November 29, 2012, the City of Newark approved Tentative Tract Map 8085 for a 553 residential unit development on the Torian parcels. On February 28, 2013 the City approved a revised Tentative Tract Map, which made minor revisions to the original Tentative Tract Map 8085. These revisions included a contemplated wetland connection through, and the abandonment of, Hickory Street and a total of 547 units, as well as other minor site plan revisions. The revised Tentative Tract Map approval relied on an addendum to the EIR, which concluded that the project revisions would not result in any new or substantially increased environmental impacts.

A second Addendum to the EIR has been prepared, which analyzes the proposed revisions to the development on the Torian parcels as well as any changed circumstances and new information that may require further environmental review. The Project was analyzed by the EIR, the first Addendum, and now the second Addendum; and as proposed, the Project will be undertaken pursuant to and in conformity with the TOD Specific Plan, and the City and applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

Under CEQA, where a public agency has previously certified an EIR for a specific plan, no subsequent EIR shall be prepared for a project undertaken pursuant to that EIR and in conformity with the previously analyzed specific plan as long as the project has not changed in scope since the specific plan was adopted, and as long as the circumstances described in CEQA Guidelines section 15162 have not occurred. Based on the second Addendum, Staff concludes that, because the Project does not include substantial changes relative to the previously analyzed development, will not be developed under substantially changed circumstances, and no new information has come to light meeting the requirements of CEQA Guidelines section 15162(a)(3), preparation of a supplemental EIR is not required.

Attachment

Update – At their April 14, 2015 meeting, the Planning Commission: (1) adopted Planning Commission Resolution No. 1906, approving P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) adopted Planning Commission Resolution No. 1907, approving the second Addendum to the Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012), for development

of 542 residential units within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area.

Action - It is recommended that the City Council, by resolutions, (1) approve P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) approve the second Addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report (State Clearinghouse Number 2010042012), for and approving the development of 542 residential units within the Specific Plan Area, and making findings in support thereof.

E.5 Hearing on the Housing Element Update 2015 by considering resolutions: 1) approving Housing Element Update 2015 and 2) Finding that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update 2015 – from Assistant City Manager Grindall. (RESOLUTIONS - 2)

Background/Discussion – The Housing Element of the General Plan must be updated periodically and certified by the State of California. Newark’s Housing Element was last updated in 2009 and an update is required in 2015. The City approved a comprehensive update of the General Plan in December of 2013, but the Housing Element was not updated at that time. An Environmental Impact Report was prepared and certified for the General Plan Update.

Staff has developed a Draft Housing Element Update that is consistent with the approved 2013 General Plan. The Housing Element update process included two community meetings, one of which was on July 30, 2014 to present housing conditions information and proposed criteria for housing site selection. A second community meeting to review the previous information and discuss potential sites for new housing was held on September 3, 2014. The meetings were well attended with approximately 40 people in attendance at each meeting. Information from both meetings, including the presentations used at the meetings and a draft map of housing sites, were posted on the City’s website shortly after each meeting.

The purpose of the Housing Element is to support the vision of assuring the provision of safe, decent, affordable shelter for all Newark residents. The Element places a particular emphasis on lower income Newark residents and residents with special needs, including seniors and persons with disabilities. The Element includes an evaluation of housing needs in the City, based on demographics and housing conditions. As required by state law, it identifies sites sufficient to accommodate the city’s share of the region’s housing needs over an eight year period. The Regional Housing Need Allocation (RHNA) is developed by the Association of Bay Area

Governments (ABAG). The City has sites, already designated for housing, that are more than adequate to meet the RHNA. Therefore this Housing Element Update does not include any additional sites for housing beyond those identified in the General Plan Update. The Housing Element contains updated housing information and updated details about the existing housing sites. It also evaluates constraints to housing production and discusses measures to mitigate such constraints. This Housing Element Update 2015 presents a comprehensive picture of the housing issues facing Newark today, as well as a plan for addressing those issues.

The draft Housing Element Update 2015 was posted on the City's website in early December 2014 and email notification was sent to all those who had attended earlier community meetings on any other housing development in the City. The availability of the Draft Housing Element Update was advertised through the City's website, an email notice, and a mailing to advocacy groups, property owners, and other interested parties.

At their January 13, 2015 meeting, the Planning Commission unanimously approved the Draft Housing Element and recommended that the City Council approve the Draft Element and submit it to the State Department of Housing and Community Development. On January 22, 2015 the City Council unanimously approved the Draft Housing Element and authorized staff to submit the Draft Housing Element to the State Department of Housing and Community Development.

The Housing Element must be reviewed and approved by the State Department of Housing and Community Development. As a part of the review of the Draft Element by the State, certain changes were recommended to clarify that the Housing Element complied with State Law. The changes were primarily non-substantive, however, there were two "Programs" added. A "Program" is an action that the City commits to accomplish in a specified time frame. The two added programs are: a) Program 6: Adoption of a Fair Housing Ordinance - a clear statement of the City's commitment to work to eliminate housing discrimination and to continue to comply with State and Federal law - by the end of 2016; and b) Program 9: Adoption of a Reasonable Accommodation Ordinance - establishing a process to allow flexibility in the Zoning Code to accommodate access for the disabled by the end of 2015.

The State Department of Community Development has provided written confirmation that, if the City approves the Housing Element Draft as modified, it would be approved by the State.

The Newark Housing Element Update 2015 is fully consistent with the General Plan Update that was analyzed in the General Plan Tune Up Program Environmental Impact Report that was certified in 2013. The Housing Element Update 2015 makes no change to the General Plan in regards of the amount of intensity of development allowed. There are no changes to the Land Use Diagram or other policy changes that can be reasonably foreseen to create physical environmental changes different from the General Plan Update that was analyzed in the General Plan EIR. Thus, no new or

increased significant impacts will result. Further, there have not been substantial changes in the built or planned environment or any other environmental condition in the 17 months since the certification of the General Plan Update EIR that would indicate new or increased significant impacts will result. These determinations are documented in the attached Environmental Declaration.

Update - On May 12, 2015, after holding a Public Hearing the Planning Commission recommended that the City Council approve the Housing Element Update 2015 and find that the environmental impacts were addressed in the General Plan Tune Up Program Environmental Impact Report.

Action – It is recommended that the City Council by resolutions: 1). approve the amendment of the General Plan by replacing the Housing Element with the Housing Element Update 2015 and 2) certifies that the environmental impacts of the Housing Element Update 2015 were addressed in the General Plan Tune Up Program Environmental Impact Report.

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 Second reading and adoption of an ordinance to commit funds for managing waste and recycling – from City Clerk Harrington. (ORDINANCE)

Background/Discussion – On May 14, 2015, the City Council introduced an ordinance to commit funds for the managing waste and recycling. This action defines that the Waste Augmentation Fund will be used to manage waste and recycling contracts, ensure compliance with waste related regulations on other activities related to the City's obligations for waste and recycling.

Attachment

Action - It is recommended that the City Council adopt an ordinance to commit funds for managing waste and recycling.

F.2 Approval of the final map for Tract 8166, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On June 12, 2014, the City Council approved Vesting Tentative Tract Map 8166 for an 85-unit residential townhome development on a 4.28-acre site located at the northeast corner of Cedar Boulevard and Mowry School Road. K. Hovnanian at Cedar Lane, LLC, has submitted the required fees, bonds, and other documents for approval of the final map for Tract 8166. Off-site improvements on Cedar Boulevard and Mowry School Road include new frontage sidewalk and landscaping, utility connections, and pavement overlays. Recording of the final map and issuance of any subsequent permits for construction activity will be at the discretion of the City Engineer.

Attachment

Action – It is recommended that the City Council, by resolution, approve the final map for Tract 8166, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road.

F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015 for General Revisions – from Senior Accountant del Rosario. (RESOLUTION)

Background/Discussion – The City is in the first year of a two-year budget cycle. As part of the year end budget review, a number of general revisions are proposed to the annual budget. These revisions affect activities where savings or deficiencies have been identified, modify revenue estimates and increase some expenses where savings will not cover a deficiency. Savings are usually realized when there are staffing vacancies or reduction in expenditures for services or supplies. Deficiencies occur as a result of unforeseen increases in cost or need for services or supplies.

The budget amendment includes a citywide increase to the supplies budget of ten percent (10%). The supply budget was cut by over twenty five percent during the recession. Departments have postponed purchases for many years and this increase will help departments meet the needs of their operations.

This amendment also includes an increase to the Construction Permit revenue which is offset by an increase in the Professional Services cost for the Building Inspection Division.

Transient Occupancy Tax (TOT) is tracking higher than budget, but this will not continue into the following year due to the closure of Motel 6. This one-time increase in TOT revenue of \$108,800 will be used to offset the increase in expenditures where there are not enough savings to cover the amendments.

Exhibit A lists the various adjustments to the budget to accommodate modifications in expenditures and changes in revenue since the budget was approved and also included Capital Improvement Plan (CIP) Project adjustments.

Attachments

Action - It is recommended that the City Council, by resolution, amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015.

NONCONSENT

F.4 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 and setting June 25, 2015 as the public hearing date – from Assistant City Engineer Fajeau. (RESOLUTIONS-2)

Background/Discussion – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

In the opinion of bond counsel, Brown Act amendments requiring two hearings for increasing assessments do not apply to the annual budget hearings unless there is an addition to the improvements or a change in the formula for allocating the cost among benefited properties. Neither of these cases applies for each of the above districts and the annual public hearings are simply to adopt a budget for the upcoming year.

Upon conclusion of the annual public hearings, the assessments for the cost of the work are added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

Attachment

Action - It is recommended that the City Council, by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 25, 2015.

F.5 Authorization for the Mayor to sign a Contractual Services Agreement with Group 4 Architecture, Research + Planning, Inc., to complete a Civic Center Replacement/Relocation Feasibility Study, and approval of an amendment to the 2014-1016 Biennial Budget to fund the study – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – The existing Civic Center and Library are antiquated, functionally obsolete, and suffer from an extensive maintenance backlog. The facilities are not suitable for meeting the City’s public safety, administrative, and cultural needs. Furthermore, they are not likely to be usable structures after a moderate earthquake. The City’s General Plan identified the need for a new Civic Center and the Housing Element addressed the opportunities of reusing the Civic Center/Library site.

The existing Civic Center is 6.5 acres and includes the Police Department (7925 Square feet), the City Administration Building (33,167 square feet) and the Library (15,570 square feet). It is proposed to replace the Police Department, City Administration Building, and Library either on the existing site or at another location. The Community Center site and land adjacent to the Silliman Center are potential locations.

A feasibility study is needed to address seven specific tasks: (1) Identifying a program of uses; (2) a space needs assessment; (3) alternative site identification and analysis; (4) developing a conceptual site plan, building diagrams, and massing strategies; (5) developing a project cost model and schedule; (6) an assessment of funding sources; and (7) recommendations and action plan.

Public and stakeholder input is to be a key part of this process. There would be at least two community meetings and numerous stakeholder interviews. The effort would also include a City Council work session and final City Council approval. This effort is aimed at providing safe, sustainable, accessible, and cost-effective facilities for the citizens of Newark with the library, public safety, administrative, cultural and educational services they need.

In April 2015, the City initiated a Request for Qualification (RFQ) process to develop a list of potential consultants who could develop appropriate conceptual plans for a new Civic Center. Twelve submissions were received and five teams were interviewed by staff. After interviewing consultants, the City determined that Group 4 Architecture, Research + Planning, Inc. was most qualified and had the clearest vision of what a Civic Center feasibility study should encompass.

Group 4 is a full-service architecture firm that provides comprehensive planning and architecture services. Their services span the entire project life cycle, from early project planning, programming and budgeting through design, construction administration, and post-occupancy.

This effort would help fulfil a General Plan Goal and a Housing Element Program and thus the cost is appropriately funded from the Community Development Maintenance Fee.

This impact fee was established in 2010 to fund Community Development activities that promote the orderly development of Newark. No General Fund resources would be used for the feasibility Study Contract. The attached contract, not to exceed \$143,723.00, includes a detailed work plan.

It is important to note that this study would only assess the feasibility and provide conceptual design for a Civic Center Replacement; it would not commit the City to an actual construction project. An action plan would be identified in the study for future City Council consideration.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a contractual Services Agreement with Group 4 Architecture, Research + Planning, Inc., to complete a Civic Center Replacement/Relocation Feasibility Study, and approval of an amendment to the 2014-1016 Biennial Budget to fund the feasibility study.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Appointments to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)

Background/Discussion – In September, the City Council declared a vacancy on the Senior Citizen Standing Advisory Committee due to the resignation of Carol McCarty. In April, two more vacancies occurred when Committee Members Mary Hammock and Margrith Reichmuth did not seek reappointments.

A total of four applications have been received for the vacancies. The Bylaws of the committee allows for a membership of no less than 8 or more than 12 members. It is recommended that the City Council confirm the appointments of Gloria Wilson, Glen Wickizer, Kathleen Lemos, and Tamara Tucker to the Senior Citizen Standing Advisory Committee.

Attachment

Action - It is recommended that the City Council, by resolution, approve the appointments to the Senior Citizen Standing Advisory Committee.

I.2 Recommendation from the Senior Citizen Standing Advisory Committee to rename the Newark Senior Center in memory of Clark W. Redeker – from Mayor Nagy. (RESOLUTION)

Background/Discussion – The Senior Citizen Standing Advisory Committee recently met and recommended that the City Council consider naming the Newark Senior Center in memory of Clark W. Redeker. The proposed name is “Clark W. Redeker Senior Center.”

Clark W. Redeker was a member of Newark’s first City Council and served as the City’s third mayor. He was instrumental in developing Newark’s first General Plan. After his service on the City Council, Clark continued to provide input on City and regional affairs by serving on the Newark Industrial Authority, the Alameda County Fair Board, and the Alameda County Water District. He was a founding and active member of the Newark Rotary Club, past president of the American Association of Retired Persons, and active in Sons in Retirement. In his spare time, Clark regularly volunteered at the Newark Senior Center.

The existing Newark Senior Center sign would be replaced with a new sign that would read “Clark W. Redeker Senior Center.” A brass/bronze plaque would be installed near the front entrance to acknowledge Clark W. Redeker and his contributions to our community. The cost associated with the renaming is estimated at \$5,000 and would come from the existing budget.

Attachment

Action - It is recommended that the City Council, by resolution, rename the Newark Senior Center in memory of Clark W. Redeker.

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 May 15, 2015. (MOTION)

M. CLOSED SESSION

M.1 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun.

Background/Discussion – The City Attorney has requested a closed session to discuss anticipated litigation (1 case).

- M.2 Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: Human Resources Director Abe and Assistant City Manager Grindall; Employee Groups: the Newark Police Association, the Newark Association of Miscellaneous Employees; City Officials and the Management, Supervisory, and Professional Employee Group; and the Confidential Employee Group – from City Attorney Benoun and Human Resources Director Abe.**

Background/Discussion – The City Attorney has requested a closed session to discuss labor negotiations.

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.