

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 10, 2015

CITY COUNCIL:

Alan L. Nagy, Mayor
Socy 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:

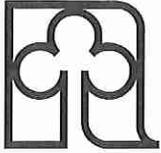
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS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

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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Thursday, December 10, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, November 12, 2015. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Commending retired Fire Department employees. (COMMENDATION)

Background/Discussion – In 2010, the Newark Fire Department consolidated with the Alameda County Fire Department. Retiring Fire Department employees: Brian Caminada, Tony Connell, Ernie Morua, and Steve Perry faithfully served the City of Newark Fire Department for many years and continued to serve the City when they transitioned to the Alameda County Fire Department. They will be at the City Council meeting to accept retirement commendations.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider the Sanctuary Project, 386 single family units at the northwest corner of Cherry Street and Stevenson Boulevard by: (1) an ordinance rezoning approximately 68.55 acre portion of Vesting Tentative Tract Map 8270 from R-6000 (Low Density Residential) to LDR-FBC (Low Density Residential – Form Based Codes) and approximately 3 acres from R-6000 (Low Density Residential) to POS-FBC (Parks and Open Space – Form Based Codes); (2) approving a resolution for Vesting Tentative Tract Map 8270; and (3) by motion, approving an Architectural and Site Plan Review. – From Assistant City Manager Grindall. (ORDINANCE)(RESOLUTION)(MOTION)

Background/Discussion - The Sobrato Development Company has submitted an application for a 386 lot single family dwelling subdivision at the northwest corner of

Cherry Street and Stevenson Boulevard. This area was previously referred to as “Area 3” in the General Plan and is now known as “Sanctuary”.

Development Agreement & Specific Plan

The implementation of this development project is governed by a Development Agreement (“DA”) between the City of Newark and the applicant. After significant community review and discussion, in 2010 the City Council adopted a Specific Plan and Development Agreement to guide development in this area. A legal challenge ensued and after the litigation was resolved the City Council again approved the Specific Plan and DA. Those approvals occurred in March and April 2015.

The Specific Plan calls for low density housing, an elementary school, and a neighborhood park. This application furthers the Specific Plan by proposing 386 single family detached homes, a 6 acre elementary school site, and a 3 acre park site to be shared with the school.

The Development Agreement, as approved by the Council, provides the City with a number of benefits. Specifically, it contractually obligates the developer to do the following:

- (1) Upon issuance of the 1st residential building permit, the developer will dedicate to the City a sixty-six (66) acre parcel along Mowry Avenue in Area 4 for recreational use;
- (2) Upon issuance of the 1st residential building permit, the developer will dedicate to the City a six (6) acre parcel to be used for construction of an elementary school; and
- (3) Upon issuance of the 250th building permit, the developer will build a three (3) acre park to be shared by the neighborhood and the school.

Elementary School Site

As required under the Development Agreement, the elementary school site must be located in the area in cooperation with the Newark Unified School District, the City, and the Developer. City staff has conferred with School District representatives and they have agreed on a location. That location is shown in the attachments. The offer of land dedication has to be made at the first building permit and may not be rescinded for a period of seven years or at the 200th building permit, whichever is later. During this period the City may elect to receive a monetary payment from the developer in lieu of the school site based on the appraised value of the site (approximately \$3.4 million). The developer has no obligation to construct a school, but it does have a contractual obligation to either dedicate the 6 acre land or make the cash payment. Also, if construction of the elementary school does not commence

within this period, then the developer will not make the dedication and instead will make the cash payment.

Park

The developer is obligated to both dedicate land and construct a three acre park, per the terms of the DA. This park will be shared between the school and the neighborhood. The design of the park will be completed at a later date. Design elements could include multi-turf areas for recreational purposes, playground areas for multiple school-age groups, and other passive features such as benches and picnic tables. The design will also take into consideration the shared-use needs of the adjacent school.

Tentative Map

In furtherance of this project, the applicant has submitted a Vesting Tentative Tract Map encompassing approximately 77.55 acres of developable land. The map is divided into four villages that will be comprised of six different building types. The elevations for each village are conceptual in nature and will give guidance to each individual builder as to what is acceptable for design. The individual elevations proposed by the builders will require the review and approval of the Community Development Director before any permit is issued.

Rezoning

The current General Plan designation for the majority of the property is Low-Medium Density Residential. The remainder of the property has a Public-Institutional as well as a Parks and Recreational Facilities designation. This was in anticipation of both a school and a park locating in this area. The current zoning for the entire parcel, however, is R-6000 (Low Density Residential).

As the General Plan designation and zoning need to be consistent, approximately 68.55 acres of the site is proposed to be rezoned to LDR-FBC (Low Density Residential – Form Based Codes) which is a low density (zero to 14 dwelling units per gross developable acre) to accommodate the residential development. The LDR designation under the Form Based Codes allows for greater flexibility with setbacks and lot size, which is what the applicant is proposing. Approximately 3 acres is proposed to be rezoned to POS-FBC (Parks and Open Space – Form Based Codes) to accommodate the park. The remainder of the site (6 acres) where the school is proposed will remain R-6000. Any future school will require approval of a conditional use permit.

Architectural Review

The architectural character of the proposed homes at Sanctuary draws upon the surrounding community to provide a diverse range of complementary home styles throughout the villages. Home styles reference Mission, Craftsman, Country, Ranch and Farmhouse elements—elements reflective of Newark’s railroad and agricultural history and built neighborhoods in the city. Several home styles are provided throughout each village to offer a variation in streetscape and ensure that no village is

monotonous. The combination of diverse, yet complementary, home styles on a range of lot sizes will create a visually engaging environment for residents and guests alike.

The styles shown are not meant to limit creativity by the design team, but set priorities to achieve the following:

- Diverse and interesting massing/roof lines amongst the plans.
- Utilization of high quality materials, including stucco, cementitious siding and concrete tile/ composition roofing/or standing seam metal roofing.
- Each neighborhood shall incorporate three styles minimum. It is allowable for a theme to be established, that still allows for unique detailing and individuality.
- Corner lots shall be treated with dual frontage or as an enhanced side with similar materials and details wrapping both exposed elevations.

Affordable Housing

As required by the Development Agreement approved by the Council earlier this year, the developer is obligated to provide 15% of the housing units as “Moderate Income Household units” (as defined by the California Department of Housing and Community Development). The developer may opt out of this obligation by paying an affordable housing in-lieu fee. The initial lump sum payment of \$1.5 million would be paid within ten days of issuance of the 50th building permit in Sanctuary, followed by a per lot payment of \$1,500 for the remainder of the units in Sanctuary and in Area 4. The in-lieu fee is capped at \$3,000,000.

Environmental

The Environmental Impact Report (EIR) that was prepared for Area 3 & 4 analyzed the impacts of the proposed uses and therefore no further environmental review is required. The project is, however, subject to the mitigation measures described in the EIR.

Attachments

Update – At its November 10, 2015 meeting, the Planning Commission approved: 1) Resolution No. 1916, recommending approval of RZ-15-28, a rezoning for an approximately 68.55 acre portion of Vesting Tentative Tract Map 8270 from R-6000 (Low Density Residential) to LDR-FBC (Low Density Residential – Form Based Codes) and approximately 3 acres from R-6000 (Low Density Residential) to POS-FBC (Parks and Open Space – Form Based Codes); 2) Resolution No. 1917, recommending approval of TM-15-27, Vesting Tentative Tract Map 8270 for 386 single family units; and 3) by motion, ASR-15-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 15.

Action - It is recommended that the City Council, 1) introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code being the City of Newark Zoning Ordinance by changing the zoning of a specified area in the City of Newark; 2) approve Vesting Tentative Map 8270 for 386 single family units at the northwest corner of Cherry Street and Stevenson Boulevard; and 3) by motion, approve ASR-15-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 15.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.8 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 City of Newark to accept a California Department of Alcoholic Beverage Control (ABC) grant and authorizing the Police Chief to sign the standard agreement – from Police Chief Leal. (RESOLUTION)**

Background/Discussion – The California Department of Alcoholic Beverage Control (ABC) is providing funds to local law enforcement agencies to utilize the Minor Decoy Program, Shoulder Tap Program, and IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) Inspections. The goal of the Minor Decoy Program is to reduce the number of licensees who sell alcoholic beverages to minors. The Shoulder Tap Program targets adults who furnish alcoholic beverages to minors. IMPACT inspections focus on licensee education. Officers randomly select licensed outlets to conduct business-friendly compliance inspections.

Within the City of Newark, 101 ABC licenses, including 73 on-sale (ie. restaurants and bars) and 28 off-sale (i.e. liquor stores), have been granted. The Newark Police Department responds to numerous calls for service at establishments with on-sale licenses. Many of these calls are for disturbing the peace and include incidents involving physical violence and/or the brandishing of weapons. These service calls require significant staff resources not only in terms of frequency, but also in terms of scale. Situations such as bar fights escalating into near riot conditions require all units to respond, which in turn increases our response time to all other calls for service.

Program objectives require an educational component, as well as active enforcement, including:

- Identify and target problematic ABC licensed establishments;
- Develop and implement an ongoing standard operating ABC enforcement procedure and training program;

- Conduct investigative operations at ABC licensed establishments, as well as provide education to owners, patrons, and employees to ensure compliance with the conditions of their licenses;
- Increase communication and involvement with local community groups and businesses; and
- Conduct minor decoy and “shoulder tap” operations, as well as IMPACT inspections.

Funding in the amount of \$18,000 has been awarded and will be utilized for overtime required to conduct operations and provide education; operating expenses for decoy operations, shoulder tap operations, and IMPACT inspections; and travel expenses for the mandatory training session provided by ABC. The project period is October 1, 2015 through September 30, 2016.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City of Newark to accept a California Department of Alcoholic Beverage Control (ABC) grant and authorize the Police Chief to sign the standard agreement.

F.2 Approval of the 2016 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 2016 are:

Planning Commission

Karen Bridges, term expires December 2016

Senior Citizen Standing Advisory Committee

Rick Arellano, term expires April 2016

Faye Hall, term expires April 2016

Elwood Ballard, term expires April 2016

Sandra Arellano, term expires April 2016

Dolores Powell, term expires April 2016

Attachment

Action - It is recommended that the City Council, by motions: (1) approve the 2016 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.3 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2014-2015 in accordance with Government Code Section 66006(b) – from Assistant Planner Jimenez and 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 2014-2015. 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 2014-2015 in accordance with Government Code Section 66006(b).

F.4 Approval of specifications, acceptance of bid, and award of contract to Mike Davis Landscape Services for Park and Landscape Maintenance Services, Project 1123A – from Maintenance Supervisor Hornbeck. (MOTION)(RESOLUTION)

Background/Discussion – The City’s current landscape maintenance contract expires on December 31, 2015.

On November 17, 2015, five bids were received from landscape contractors to provide services for City landscaped areas, including the Landscaping and Lighting Districts. The scope of work provides similar service as to that of the most recent landscape contract. In addition, the bid documents include Additive Alternates of City landscaped areas that possibly could be awarded if bids are sufficiently low and funding is available. Bidders were informed that this contract, if awarded, would be awarded to the lowest responsible bidder on the basis of the lowest Base Bid.

Base Bids for this project are as follows:

Bidder	Amount
Mike Davis Landscape Services	\$58,281.48
New Image Landscape Company	\$65,748.00
Bayscape Landscape Management	\$121,800.00
Rubicon Enterprises, Inc.	*\$160,800.00
Valley Crest Landscape Maintenance	\$169,836.00
Engineers Estimate	\$173,400.00

*Mathematical Correction

Mike Davis Landscape Services is the lowest responsible bidder and all bid documents are in order.

The following Additive Alternates submitted by Mike Davis Landscape Services, with their bid, are also recommended for award:

Cedar Boulevard West	\$442.32
6128 Thornton Avenue	\$1,990.44
Thornton Avenue West	\$884.64
Magnolia Plaza	\$605.28
George M Silliman Center	\$44,115.60
Cedar Blvd. - Smith Ave. to Mowry Ave.	\$3,608.40
Cedar Blvd. – Mowry Ave. to Balentine Dr.	\$3,608.40
Cedar Blvd. – Dupont Ave. to Thornton Ave.	\$2,793.60
Cedar Blvd. – Newark Blvd. to Haley St.	\$2,758.68
Lido Blvd. – Cedar Blvd. to Jarvis Ave.	\$2,095.20
Newark Blvd. – Jarvis Ave. to Ruschin Dr.	\$1,047.60
Newark Blvd. – Thornton Ave. to Ruschin Dr.	\$1,164.00
Mowry Ave. –I-880 Freeway to Cherry St. Blvd.	\$3,142.80
Mowry Ave. – Alpenrose Ct. to Cherry St.	\$1,396.80
Cherry St.– Mowry Ave. to Golden State Lumber	\$931.20
Cherry St. – Mowry Ave. to ACFC	\$1,164.00

Jarvis Ave. – Cardiff St. to Lake Blvd.	\$3,142.80
Total Additive Alternates	\$74,891.76

Funds for the Landscaping and Lighting Districts for the maintenance of the specified areas are appropriated from the budgets of the various Landscaping and Lighting Districts. For areas not in the Landscaping and Lighting Districts, funds were included in the 2015-2016 Biennial Budget.

The total contract recommended to be awarded to Mike Davis Landscape Services for the Base Bid (\$58,281.48) + Additive Alternates (\$74,891.76) is \$133,173.24. There are sufficient funds available for the work.

The contract shall commence on or about January 1, 2016, and conclude by December 31, 2016. The contract includes an option for renewal for no more than two consecutive one-year periods upon mutual consent of both parties. It is recommended that authorization be given to the Public Works Director to sign the renewal contracts.

Attachment

Action - It is recommended that the City Council, by motion, approve the specifications and, by resolution, accept the proposal and award the contract (Base Bid and Additive Alternates) to Mike Davis Landscape Services for Park and Landscape Maintenance Services, Project 1123A, and authorize the Public Works Director to sign the renewal contracts.

F.5 Approval of the final map for Tract 8212, a 77-lot single-family residential subdivision (Classic 36120 Ruschin, L.P.) at 36120 Ruschin Drive – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On February 12, 2015, the City Council approved Vesting Tentative Tract Map 8212 for a 77-lot single family residential subdivision at 36120 Ruschin Drive. Classic 36120 Ruschin, L.P. (formerly Classic Communities) has submitted the required fees, bonds, and other documents for approval of the final map for Tract 8212. Recording of the final map and issuance of subsequent permits and approvals 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 8212, a 77-lot single-family residential subdivision (Classic 36120 Ruschin, L.P.) at 36120 Ruschin Drive.

F.6 Approval of Amendment No. 1 to the Project Specific Funding Agreement with Alameda County Transportation Commission for the Preliminary Engineering/Environmental (PE/Env), and the Final Design (PS&E)

Phases of the Central Avenue Overpass, Project 1014 – from Public Works Director Claassen. (RESOLUTION)

Background/Discussion – A Project Specific Funding Agreement with the Alameda County Transportation Commission (CTC) was approved by the City Council on December 12, 2013 for the Central Overpass, Project 1014. This Agreement was required as a part of the Master Agreement for the City to receive Measure B funding for project development (preliminary engineering, environmental and final design) of the Central Overpass project. Amendment No. 1 will extend the expiration date of the Project Specific Funding Agreement to June 30, 2016. A subsequent amendment will be required as the design is refined and costs and schedule projections are better known. Alameda CTC has programmed \$2.765 million for the overpass project development.

Central Avenue provides critical local east-west access through Newark as well as serves as a regional bypass route for State Route 84 and Interstate 880 traffic congestion in the Dumbarton Corridor. At grade railroad tracks (two mainline tracks under the ownership of UPRR plus two spur tracks) currently cross Central Avenue causing frequent delays. The train tracks accommodate both freight and commuter train traffic, and serve a nearby switching yard for UPRR. There are currently up to 39 train conflicts per day at this location based on counts taken in October of 2015. The Central Avenue Overpass Project will construct a grade separation structure (bridge overpass including sidewalks and bicycle lanes) at the railroad crossing on Central Avenue between Sycamore Street and Morton Avenue, resulting in relief of traffic congestion within the Dumbarton Corridor, providing enhanced vehicular, bicycle and pedestrian safety, improved emergency response times, and elimination of conflicts between rail traffic and the general public. The overpass will also enhance circulation, promoting transit usage to, from and around the City of Newark's planned transit oriented development.

In November 2000, a 20 year extension of the one-half cent sales tax for transportation was approved by voters in Alameda County (Measure B). Alameda County Transportation Improvement Authority (ACTIA) was the agency formed and tasked with overseeing the expenditure of the Measure B funds at that time. The City of Newark entered into a Master Agreement with ACTIA in June 2002 for the Newark Local Streets and Dumbarton Corridor Projects to be funded by Measure B. The Master Agreement covered the general requirements for funding under Measure B. In addition to implementation of a rail project to connect the Peninsula with the East Bay, Measure B for the Dumbarton Corridor improvements included other local projects that would help relieve congestion and promote transit usage as well as provide parallel and alternate routes within the Dumbarton corridor. The Central Avenue Overpass is consistent with the 2000 Measure B Expenditure Plan description.

Attachment

Action - It is recommended that the City Council, by resolution, approve Amendment No. 1 to the Project Specific Funding Agreement with the Alameda County Transportation Commission for the Preliminary Engineering/Environmental (PE/Env) and Final Design (PS&E) phases of the Central Avenue Overpass, Project 1014.

F.7 Adoption of a resolution making the five-year findings for the Community Development Maintenance Impact Fee as required by Government Code Section 66001(d) – from Assistant Planner Jimenez and Assistant City Manager Grindall (RESOLUTION)

Background/Discussion – State law requires that the City Council make certain findings for each impact fee for the fifth year after the first deposit into the account. Because it has been five years since the first deposit into the Community Development Maintenance impact fee account, the City Council needs to consider making the required findings for this fee. The fee was first adopted in 2010 in order to fund Community Development activities, such as General Plan and Zoning Ordinance updates and implementation. The fee is imposed on building permits as a one-half percent of construction valuation. The table below summarizes the deposits, interest earned, and expenditures from the fee fund during fiscal year 14/15.

Deposits	\$381,874.08
Interest	\$1,103.14
Expenditures	\$10,726.30
Balance	\$575,814.07

Community Development Maintenance impact fees have been used to fund a variety of projects, including the 2013 General Plan Update and the Civic Center Replacement Feasibility Study. In Fiscal year 2014/15 the \$10,726.30 expenditure was for Civic Center Replacement Feasibility Study. The total contract cost for the Civic Center Replacement Study is \$143,723 in 2016, Community Development Maintenance fee funds will be used to fund the completion of the Civic Center study and may also be used to pay for a Zoning Ordinance Update. The Zoning Ordinance has been amended through the years, but it has not been updated in its entirety since 1965.

The required five-year findings must be made in connection with the annual impact fee report. These findings are set forth in Government Code Section 66001(d) and concern the portion of the funds that are unexpended. The findings are to:

1. Identify the purpose to which the fee is to be put.
2. Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing for incomplete improvements.
4. Designate the approximate dates on which these other sources of funding are expected to become available.

Each of these required findings is discussed below.

Purpose of the Fee

The purpose of the fee is to reimburse the City for expenses associated with providing and implementing adequate land use plans, ordinances and regulations as required by the State of California.

Relationship between the Fee and Its Purpose

Plans, ordinances, and development regulations are prepared largely for the benefit of development, and, therefore, it is appropriate for that development to reimburse the City for the costs incurred in the creation, updating, maintenance and implementation of these documents. The one-half of a percent of construction valuation fee amount that was set in 2010 was based on an estimate of the cost of providing periodic updates of the Newark General Plan, Zoning Ordinance, Housing Element, and the provision of associated studies and documents over 20 years; and an estimate of the annual, aggregate construction valuation of projects requiring a permit in the City. It was estimated that it would cost the City about \$4.5 million to provide the required land use plans and regulations. An average annual construction valuation of \$45 million was then used, as the average Citywide construction valuation was \$45 million for the eight years prior to the fee adoption, yielding \$225,000 per year in revenue. This annual revenue would thus generate the estimated \$4.5 million needed over the course of 20 years to fund the creation, updating and maintenance of the necessary land use plans, ordinances and regulations. The Community Development Maintenance Impact fee amount can be adjusted up or down to match revenue with expenditures.

Other Sources of Funding and Amounts and Estimated Dates for Funding

Sufficient funds have been generated to complete the Civic Center Replacement Feasibility Study and to commence the Zoning Ordinance Update process. A Request for Qualifications for the project was released November 10, 2015. The Zoning code update was budgeted at \$250,000; however, since a consultant has not yet been chosen, the actual cost of the update is unknown at this time. It is estimated that the funds in the Community Development Maintenance Impact Fee account will fully fund the Zoning Ordinance Update and the Civic Center Replacement Feasibility Study as well as maintaining a sufficient balance for future major multi-year community development studies. Therefore, no additional sources of funding, beyond the Community Development Maintenance Fee, are expected to be necessary to complete the anticipated efforts.

Attachment

Action - It is recommended that the City Council adopt the attached resolution making the five-year findings for the Community Development Maintenance Impact Fee as required by Government Code Section 66001(d).

- F.8 Approval to reorganize the management structure in Administrative Services by establishing a Division Chief for Finance by amending Resolution No. 2505, the Employee Classification Plan, to add the classification of Accounting Manager; amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials, and the Management, Supervisory and Professional Group, to add the classification of Accounting Manager; and amending Resolution No. 10235, the 2014-2016 Biennial Budget, to add a position and the funding for the position of Accounting Manager and to delete the position of Accountant – from Human Resources Director Abe.**
(RESOLUTIONS-3)

Background/Discussion – The Administrative Services Department has proposed a management reorganization in Finance. Current openings provide an appropriate time to analyze staffing needs and strengthen the management structure in Finance to a level consistent with other major divisions such as Information Systems and Planning.

The Finance management structure currently consists of a Senior Accountant and an Accountant. The proposed reorganization establishes a Finance Manager similar in level to the Information Systems Manager and discontinues a vacated Accountant position. The Senior Accountant position will continue supervising staff and preparing financial statements and reports including the CAFR.

As the Division Chief of Finance, the Accounting Manager will plan and direct the activities of the Finance Division, prepare the City's biennial budget, and ensure that all activities are carried out in accordance with Generally Accepted Accounting Principles. The enhanced management structure of an Accounting Manager and Senior Accountant provides essential administrative and supervisory cross coverage and greater flexibility to address increasingly complex workload demands including the implementation of a new Finance System.

The recommended monthly salary for Accounting Manager of \$8,082 to \$11,721 (Range 15, effective January 1, 2016) is based on internal salary relationships and is consistent with the compensation for Information Systems Manager.

Attachments

Action - It is recommended that the City Council approve by resolutions: (1) amending Resolution No. 2505, the Employee Classification Plan, to add the classification of Accounting Manager; (2) amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials, and the Management, Supervisory and Professional Group, to add the classification of Accounting Manager; and (3) amending Resolution No. 10235, the 2014-2016 Biennial Budget, to add a position and the funding for the position of Accounting Manager and to delete the position of Accountant.

NONCONSENT**F.9 Approval of Contractual Services Agreement with Quincy Engineering, Inc. to provide professional engineering services for the Central Avenue Overpass, Project 1014, Alameda CTC Project no. 1211.001 – from Public Works Director Claassen.**

Background/Discussion: The City's Capital Improvement Plan includes a project to construct an overpass on Central Avenue at the railroad tracks. Total project costs (design, right of way and construction) for an overpass at this location are currently estimated at \$20 million. Professional services are required for the preliminary engineering, environmental studies and final design phases of the Central Avenue Overpass project.

Central Avenue provides critical local east-west access through Newark and serves as a regional bypass route for State Route 84 and Interstate 880 traffic congestion in the Dumbarton Corridor. At grade railroad tracks (two mainline tracks under the ownership of UPRR plus two spur tracks) currently cross Central Avenue causing frequent delays. The train tracks accommodate both freight and commuter train traffic, and serve a nearby switching yard for UPRR. There are currently up to 39 train conflicts per day at this location based on counts taken in October of 2015. The Central Avenue Overpass Project will construct a grade separation structure (bridge overpass including sidewalks and bicycle lanes) at the railroad crossing on Central Avenue between Sycamore Street and Morton Avenue, resulting in relief of traffic congestion within the Dumbarton Corridor, providing enhanced vehicular, bicycle and pedestrian safety, improving emergency response times, and eliminating conflicts between rail traffic and the general public. The overpass will also enhance circulation and promote transit usage to, from and around the City of Newark's planned transit oriented development.

Alameda County Transportation Commission (CTC) programmed \$2.765 million in Measure B funds for preliminary engineering, environmental studies and final design phases of the Central Avenue Overpass project. The selected consultant must comply with the Alameda CTC Local Business Contract Equity (LBCE) Program as a condition of the funding. The LBCE Program encourages businesses to locate and remain in Alameda County, employs residents of Alameda County and spends Measure B funds for goods and services within the County. Small and local businesses provide economic and social vitality to communities as well as help Alameda CTC to accomplish its purchasing objectives. The LBCE Program has categories for Local Business Enterprise (LBE), Small Local Business Enterprise (SLBE) and Very Small Local Business Enterprise (VSLBE). The participation goal for a professional services contract is 70% LBE and 30% SLBE participation. Alameda CTC has a certification process for contractors to be a part of the LBCE Program. All firms considered for selection for this project were certified through the Alameda CTC LBCE Program.

Selection Process: A Request for Qualifications was issued to fourteen engineering firms on the Alameda CTC list of certified LBCE firms as the first step in the selection process. Five of the fourteen consultants submitted Statements of Qualifications for further screening; three of those five were issued Request for Proposals and invited to interview before a selection panel consisting of Newark City staff members (Public Works Director, Assistant City Engineer, and Associate Civil Engineer) and the Alameda CTC Senior Transportation Engineer for Programming and Projects. The three firms competing in the final selection were:

AECOM

Quincy Engineering, Inc.

Rajappan & Meyer Consulting Engineers, Inc.

All three firms are highly qualified and very competitive. The panel selected Quincy Engineering, Inc. to provide the professional engineering services required for the Central Avenue Overpass. The Quincy Engineering team includes the following SLBE subconsultants: JMA Civil (railroad coordination), Parikh (geotechnical), TJKM (traffic and lighting), WRECO (drainage and hydromorphology), GeoCADD (aerial survey support) and PGA Design (landscape architecture). The LBE subconsultants on the team include Circlepoint (environmental and community outreach), and Ruggeri-Jensen-Azar (surveying, mapping). Quincy Engineering is also a certified LBE. It is anticipated the LBCE goals for the project will be met (70% LBE and 30% SLBE).

Scope of Work: In addition to structural bridge and retaining wall design, the scope of work will include all associated civil engineering field work and design as well as coordination with UPRR, the California Public Utilities Commission and various utility companies with facilities in the project limits that may require relocation or protection during the construction. The bridge and civil design will determine the right of way needs for the project and the consultant will provide necessary documentation for any identified acquisition needs. Geotechnical studies will be conducted to address design issues for the bridge structure and retaining walls. A traffic management plan will be completed to determine and address mitigation for the roadway network during construction. The scope of work also includes a community outreach component that will consist of two public outreach meetings, five stakeholder meetings, media outreach and development of informational materials.

This project is statutorily exempt from CEQA under section 21080.13 of the Public Resources Code. However, environmental studies will be done as part of these consultant services in order to support the project design.

Details of the scope of work are included as Exhibit A, attached to the Contractual Services Agreement.

Compensation: Negotiations have been concluded with Quincy Engineering, Inc. Compensation for the scope of services required for the project will not exceed \$1,894,000. The fees are reasonable for the scope of work proposed.

There is a provision in the Contractual Services Agreement for Additional Services, if required, due to unforeseen circumstances. Per the City's Purchasing Regulations, the City Manager has approval authority not to exceed \$50,000; any changes to the contract in excess of \$50,000 would require City Council approval.

The duration of the contract is estimated at 20 months. The project will be ready to be publicly bid for construction upon conclusion of the Quincy Engineering contract, estimated in fall of 2017.

Other Services: A separate contract will be required for right of way services identified during the design of the project as well as for construction support services. The City will be requesting that Measure B funds not used for the preliminary engineering, environmental studies and final design phases of the contract be reallocated to other contract phases (right of way and/or construction) per the terms of the Master Agreement and the Project Specific Funding Agreement previously executed for the City's use of Measure B funds. Both contracts will be brought before City Council in addition to any required amendments to the Project Specific Funding Agreement to accomplish the reallocation.

Attachment

Action - It is recommended that the City Council, by resolution, approve the Contractual Services Agreement with Quincy Engineering, Inc. to provide Professional Engineering Services for the Central Avenue Overpass, Project 1014, Alameda CTC Project No. 1211.001, in an amount not to exceed \$1,894,000.

F.10 Approval of solid waste collection and recycling services maximum rates for 2016 with an increase of 3.4% over 2015 maximum rates – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – The City's agreements with Republic Services, Inc., for solid waste collection and recycling and with BLT Enterprises of Fremont for waste transfer services, include provisions for an annual adjustment set by formula based on relevant consumer price indices (CPI). The City sets the maximum limits for the rates with the final rates set by Republic Services.

Each of the relevant indices are applied to different portions of the rate to calculate the annual contractual rate adjustment. These price indices include (1) A CPI for Garbage and Trash Collection which was 1.45% for the period between August 2014 and August 2015; (2) A Compressed Natural Gas Service Index which was 4.60% for the same period; and (3) An increase on the disposal costs at the Fremont Transfer Station

(BLT), which will be 0.27% on July 1, 2016. The resulting total rate increase with each index applied to the appropriate part of the rate equates to a rate increase of 1.50% effective January 1, 2016.

In addition to the annual contractual adjustment indicated above, Staff is proposing to smooth in the remaining part of the settlement costs from the agreement reached with BLT in 2014. In 2015, part of the cost of the settlement was smoothed into the rates and the Waste Augmentation Fund was used to offset the other portion of the costs of the settlement. Adding the remaining portion of the settlement into the rates will increase the rates by 1.9% above the annual contractual adjustment shown above. The total proposed rate increase is 3.4%.

The average household that uses a 32-gallon cart will see a \$0.98 per month increase. Approximately 75% of residential households subscribe to the 32-gallon cart size. Commercial customers with the average 3-yard bin with a once-a-week pick-up will see an increase of \$10.54 per month. Approximately 33% of commercial customers use this size bin with varying pick-up frequency.

Attachment

Action - It is recommended that the City Council, by resolution, establish the maximum limit for rates for solid waste collection and recycling services for Calendar Year 2016.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 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.

1.2 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTION)

Background/Discussion – On a yearly basis, the Mayor appoints City Council Members to various agencies, boards, commissions, and committees. The current appointments are listed for reference. The City Council should review the assignments and decide if they would like to make any changes for the upcoming year.

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

Information System Authority

Council Member Bucci - alternate

Tri-City Waste Facility Financing
Authority

Mayor Nagy and Council Member
Hannon – delegates

Attachment

Action - It is recommended that the City Council, by resolution, approve the appointments to the various agencies, boards, commissions, and committees.

I.3 Reappointment of Planning Commissioners Fitts and Otterstetter – from Mayor Nagy. (RESOLUTION)

Background/Discussion – Planning Commissioners William Fitts and Debbie Otterstetter’s terms will expire on December 31, 2015. Both Commissioners have requested a four year reappointment.

Attachment

Action - It is recommended that the City Council, by resolution, approve the reappointment of William Fitts and Debbie Otterstetter to the Newark Planning Commission, for a term to expire on December 31, 2019.

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.