

# CITY OF NEWARK CITY COUNCIL

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

**Newark Pavilion**  
**6430 Thornton Avenue Hall 1**  
**7:30 p.m.**

## AGENDA

Thursday, February 12, 2015

### CITY COUNCIL:

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

### CITY STAFF:

John Becker  
City Manager  
Terrence Grindall  
Assistant City Manager  
Susie Woodstock  
Administrative Services Director  
Sandy Abe  
Human Resources Director  
Peggy A. Claassen  
Public Works Director  
Jim Leal  
Police Chief  
David Zehnder  
Recreation and Community  
Services Director  
David J. Benoun  
City Attorney  
Sheila Harrington  
City Clerk

**Welcome** to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

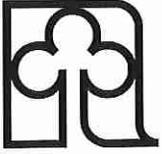
- |                                     |                         |
|-------------------------------------|-------------------------|
| A. ROLL CALL                        | I. COUNCIL MATTERS      |
| B. MINUTES                          | J. SUCCESSOR AGENCY     |
| C. PRESENTATIONS AND PROCLAMATIONS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

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

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

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

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



# CITY OF NEWARK CITY COUNCIL

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

Newark Pavilion  
6430 Thornton Avenue, Hall 1  
7:30 p.m.

## AGENDA

Thursday, February 12, 2015

**This meeting will be held at the Newark Pavilion, 6430 Thornton Avenue, Hall 1 beginning at 7:30 p.m.**

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 22, 2015. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

- E.1 Hearing to consider: (1) adopting a resolution making certain findings and approving an Initial Study and Mitigated Negative Declaration (E-14-44); and (2) adopting a resolution approving ASR-14-45, an Architectural and Site Plan Review, for a commercial laundry facility (Mission Linen Supply) to be located at 6590 Central Avenue (APN: 92A-2165-13-1) – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

**Background/Discussion** – Mission GoldRush, LLC, has made an application to construct an 118,390 square foot commercial laundry facility (Mission Linen Supply) at 6590 Central Avenue (the former Guardian Packaging/American National Can/Alcan/Pechiney site). This property has both a zoning and General Plan designation of General Industrial. A commercial laundry facility is permitted in this district. This review is for the building design and overall site layout.

Mission Linen Supply (MLS) rents textiles such as bed sheets, gowns, tablecloths, napkins, towels, and uniforms. Delivery trucks will pick up soiled textiles from their customers (while dropping off clean product) return to the plant where they are counted, sorted, washed, dried, ironed, folded, and staged. The textiles are ultimately loaded back on to the delivery truck for the next day's deliveries.

### Project Design

All existing structures on-site will be demolished except for the easternmost tilt-up concrete building at 37707 Cherry Street. This building will be retained for leasing to others as a warehouse or other permitted use in the MG Zoning District.

On the portion of the property fronting Central Avenue, the proposal is for a light industrial building of typical tilt-up construction. The building would have an approximate footprint of 109,046 square feet and a second floor mezzanine around 9,344 square feet. A secondary structure with a footprint of 3,168 square feet is proposed to house the company's fleet maintenance operations. The net increase in usable building floor area for the entire project is only 41,007 square feet.

The Central Avenue façade consists of a two-story storefront framed with an articulated surface of accent color, with the balance as tilt-up concrete utilizing a three-color paint scheme. The main entry is set off from the employee entry by a feature that frames and overhangs the main entry. Mission Linen's facilities typically utilize a three color scheme consisting of light tan, darker tan, and a red accent. Additionally, typical reveals are added to the tilt-up walls to provide shadow lines to help break up the surface.

A solid screen wall will shield the truck yard from Central Avenue along with appropriate landscaping.

### Environmental Determination

The Initial Study/Mitigated Negative Declaration was prepared for this project by Mr. Jerry Haag, Urban Planner. The key issues analyzed were aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

Of these 17 issues, the Initial Study found that the only new potentially significant impacts resulting from this project would include air quality/greenhouse gas emissions, hazards and hazardous materials, and transportation/circulation. These represent project-specific impacts that are specific to the location of the project site and the development proposed by the project. The study details the mitigation measures necessary to reduce these impacts to less-than-significant, which will be required as part of the project's approval.

In Section 3 (*Air Quality*) of the Attachment to the Initial Study, it is noted that construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of particular matter and fine particulate matter. The Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are employed to reduce these emissions. Mitigation Measure

AIR-1 in the Attachment would implement the BAAQMD-recommended best management practices and will be required as a condition of approval.

Emissions from natural gas combustion for all pollutants and sources were calculated using U.S. EPA emission factors for natural gas combustion, except for the boilers which employ a different standard. As proposed, future natural gas emissions from this project, at the maximum output capacity of the equipment could exceed the BAAQMD significance threshold and would be considered potentially significant. However, based on how Mission Linen actually operates (which is not at maximum output of equipment) the BAAQMD significance thresholds would not be exceeded. As such, Mitigation Measure AIR-2 was developed to require a plan to monitor and record natural gas usage to compare with the anticipated usage projections. The project shall be limited in natural gas consumption per year to remain at or below the significance threshold for stationary sources.

Section 7 (*Greenhouse Gas Emissions*) notes that, at maximum condition, the Greenhouse Gas (GHG) emissions would exceed the BAAQMD threshold and would be considered potentially significant. However, as with natural gas, the operational output from Mission Linen reduces this impact to less than significant. Mitigation Measure GHG-1 will require the applicant to develop a GHG Reduction Plan for the City to review and approve prior to the issuance of any building permit. Required elements of this plan are detailed in Section 7.

Section 8 (*Hazards and Hazardous Materials*) states that the demolition of the existing building could release lead based paint particles and asbestos containing materials into the atmosphere. This could be a potentially significant impact and will be reduced to a less-than-significant level by a licensed contractor first determining if lead paint or asbestos are on the site. If found in quantities at or above actionable levels, the materials shall be safely removed consistent with OSHA and other applicable standards and disposed of in an appropriate location as per Mitigation Measure HAZ-1.

Mitigation Measure HAZ-2 requires that, prior to issuance of a grading permit, a qualified environmental assessor shall prepare a Phase II Environmental Site Assessment to determine the presence or absence of contamination in the site soil or groundwater (if applicable) at appropriate actionable thresholds on the site. If found, as with the lead paint and asbestos, the materials will be safely removed from the site consistent with OSHA and other applicable standards.

Section 16 (*Transportation/Traffic*) notes that traffic and transportation analysis was completed by the firm of Omni-Means Ltd. Their report concluded that with the AM and PM peak hour project trips added to the existing traffic volumes, all four study intersections would be operating at acceptable Levels of Service (LOS). There will be slight vehicle delays at the intersection of Thornton Avenue and Cedar Boulevard. This intersection is projected to change from LOS C (34.7 seconds) to LOS D (35.3 seconds) with proposed project traffic. All other intersections would continue to operate at acceptable levels.

The eastern-most project driveway that will serve delivery trucks/vans has 39 feet of storage capacity for the westbound left-turn movement from Central Avenue into the project site. This is due to an existing raised landscape median on Central Avenue. The resulting 39 feet would not be adequate for large trucks and would be significant in terms of traffic hazards. As such, Mitigation Measure TRA-1 requires that all inbound large trucks shall access the project to/from the west on Central Avenue and/or restrict inbound left-turn access for large trucks to the western-most driveway. This would allow large trucks to travel eastbound on Central Avenue into the project site and avoid potential storage capacity conflicts at the eastern-most project driveway.

The 20-day review period for the Initial Study/Mitigated Negative Declaration ended on December 30, 2014, however, because of the City's December furlough, comments were accepted until January 5, 2015. The City did not receive any comments during the review period; however, a letter from the Alameda County Water District was received on January 7, 2015.

#### **Attachments**

**Update** – At its meeting of January 27, 2015, the Planning Commission: (1) approved Resolution No. 1897 making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration (E-14-44); and (2) approved Resolution No. 1898 approving ASR-14-45, an Architectural and Site Plan Review, for a commercial laundry facility (Mission Linen Supply) to be located at 6590 Central Avenue (APN: 92A-2165-13-1), with Exhibit A, pages 1 through 10.

**Action** - It is recommended that the City Council: (1) adopt a resolution making certain findings and approving an Initial Study and Mitigated Negative Declaration (E-14-44); and (2) adopt a resolution approving ASR-14-45, an Architectural and Site Plan Review, for a commercial laundry facility (Mission Linen Supply) to be located at 6590 Central Avenue (APN: 92A-2165-13-1).

- E.2 Hearing to consider: (1) A resolution making certain findings and adoption of an Initial Study and Mitigated Negative Declaration; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code, Section 17.44.010 "Zoning Map" by rezoning all that real property shown on Vesting Tentative Map 8212 (APN: 92A-775-46) from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) A resolution approving Vesting Tentative Map 8212; and (4) A resolution for a planned unit development, and a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive – from Assistant City Manager Grindall.**
- (RESOLUTIONS-3)(INTRODUCTION OF ORDINANCE)**

**Background/Discussion** – Classic Communities has made an application to construct up to 77 residential units at 36120 Ruschin Drive (the former Ruschin Elementary School). This property is currently zoned Single Family Residential and is occupied

by a vacant elementary school. In 1960, a conditional use permit was approved in order to allow the school in this residential district. As a condition of approval for this proposal, the existing use permit for the school will be revoked.

#### Community Meetings

Three community meetings were held to discuss this proposal. The key issues voiced by residents involved traffic, parking, privacy, and visual impacts. To address these issues, the developer redesigned the original proposal to eliminate all two-story buildings from the perimeter of the site. In addition, the number of lots was reduced from 85 to 77.

#### Project Benefits

- The existing permitted school use would not be compatible with the neighborhood.
- The project provides modern housing types, appropriately buffered from neighborhood.
- Provides over \$19 million of critically needed funding to the School District.
- Provides \$2 Million in revenue for affordable housing.
- Provides \$500,000 in revenue for parks.
- Project will improve surrounding property values.

#### Project Design

The development is proposed to provide 77 single-family detached homes. Single-story homes ring the perimeter of the site, while the two-story homes are concentrated at the middle of the development to reduce the visual impact on existing homes.

Entrance to the community will be via two access points off of Ruschin Drive. There are sidewalks adjacent to both of the entrances. All of the products offer multiple floor plans and a nice variation in design. All homes are front loading with private rear yards and traditional architecture. The homes on the Ruschin frontage lots and interior lots all have usable front porches. Some of the materials that will be incorporated are stucco, siding, paneling, shutters, corbels, stone veneer, and decorative planter boxes.

#### Rezoning

The current zoning of the site is R-6000, which permits single-family residential homes with a minimum lot size of 6,000 square feet. The developer has requested that the site be rezoned to LDR-FBC (Low Density Residential – Form Based Code). This new designation provides greater flexibility with setbacks and project design. This designation is intended for single-family neighborhoods with an allowable density range between zero and fourteen dwellings per gross developable acre. In addition, as a condition of approval for this project, the existing conditional use permit allowing the school will be revoked upon City Council approval of the project.

#### Environmental Determination

The Initial Study/Mitigated Negative Declaration was prepared for this project by FirstCarbon Solutions out of Walnut Creek. The key issues analyzed were aesthetics,

agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

Of these 17 issues, the Initial Study found that the only potential significant impacts resulting from this project would include air quality, biological resources, cultural resources, and noise. These represent project-specific impacts that are specific to the location of the project site and the development proposed by the project. The initial study details the mitigation measures necessary to reduce these impacts to less-than-significant, which will be required as part of the project's approval.

Despite the fact that Traffic was not identified as having a significant impact in the Initial Study, it is the primary concern of the residents in the vicinity of the project and deserves to be discussed.

Hexagon Transportation Consultants prepared a Traffic Impact Analysis to assess the project's impacts on traffic operations. It's important to note that Hexagon's results were based on the original proposal of 85 units, not the 77 units now proposed. The potential impacts of the project were evaluated in accordance with the standards set forth by the City of Newark. The study included the analysis of AM and PM peak hour traffic conditions for five signalized intersections and five unsignalized intersections. The Traffic Impact Analysis determined the project would generate a total of 809 daily trips, with 64 trips occurring in the AM peak hour and 85 trips occurring in the PM peak hour. Hexagon found that, measured against the City's Level of Service (LOS) impact criteria, none of the signalized study intersections would operate at an unacceptable LOS and, therefore, would not be significantly impacted. All of the unsignalized study intersections would also operate at an acceptable LOS on the worst approach of the minor streets except for the intersection of Newark Boulevard/Ruschin Drive-Brittany Avenue.

The unsignalized intersection of Newark Boulevard/Ruschin Drive-Brittany Avenue would operate with unacceptable delays on the minor street approaches under cumulative conditions with or without the project. Although this intersection does not currently meet the peak hour volume warrant, the City will be periodically monitoring the traffic operations at this intersection to see if a traffic signal should be installed. It should be noted that the City recently completed a detailed signal warrant analysis that looked at eight of the nine signal warrants in the 2006 California Manual on Traffic Control Devices, and found that this intersection did not fully meet any of the eight signal warrants. It should also be noted that alternative routes are available for vehicles on Brittany Drive and Ruschin Drive to access Newark Boulevard. Vehicles turning left from Brittany Drive onto northbound Newark Boulevard could alternatively use the signalized intersection of Cedar Boulevard/Newark Boulevard, and vehicles turning left from Ruschin Drive onto southbound Newark Boulevard could alternatively use the signalized intersection of Lafayette Avenue/Newark

Boulevard to access Newark Boulevard. Therefore, the project's trip contribution to the Newark Boulevard/Ruschin Drive-Brittany Avenue intersection is considered less than significant.

The review period for the Initial Study/Mitigated Negative Declaration ended on September 17, 2014. The City received letters from Mr. Dean Ishihara, Jack and Jacque Burgess, and the Alameda County Water District. The issues raised by these letters have been addressed in the Initial Study/Mitigated Negative Declaration.

### **Attachment**

**Update** – At its meeting of January 13, 2015, the Planning Commission approved Resolution No. 1896, making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration (E-14-9); (2) approved Resolution No. 1894 recommending City Council approval of a rezoning (RZ-14-40) for an approximately 10.1 acre portion of Vesting Tentative Map 8212 from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) approved Resolution No. 1895, approving P-14-41, a planned unit development, and U-14-42, a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive, with Exhibit A, pages 1 through 34; and (4) by motion, recommended the City Council approve TM-14-43, Vesting Tentative Map 8212.

**Action** - It is recommended that the City Council: (1) approve a resolution making certain findings and adopting an Initial Study and Mitigated Negative Declaration for a 77 unit single-family subdivision on the former Ruschin School Site (APN:92A-775-46); (2) introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code, Section 17.44.010 "Zoning Map" by rezoning all that real property shown on Vesting Tentative Map 8212 (APN: 92A-775-46) from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) approve a resolution approving Vesting Tentative Map 8212 and Subdivision and Zoning Variances Thereto; and (4) approve a resolution approving P-14-41, a planned unit development, and U-14-42, a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive.

## **F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.5 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 Acceptance of contract with New Image Landscape Company for Park and Landscape Maintenance Services Project 1007B – from Maintenance Supervisor Carey. (RESOLUTION)**

**Background/Discussion** – On December 13, 2012 the City Council awarded a contract to New Image Landscape Company, for providing park and landscape maintenance services for the 2013 calendar year.

Two additional years of work were included in the specifications and could be implemented upon mutual consent by the City and the contractor. Approval was granted and the contract extended for completion of the 2014 Park and Landscape Maintenance Services. All work on this project is now complete.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the contract with New Image Landscape Company, for Park and Landscape Maintenance Services Project 1007B.

**F.2 Approval of the allocation of anticipated Community Development Block Grant Jurisdiction Improvement Project Funds for Fiscal Year 2015-2016 – from Assistant Planner Jimenez and Assistant City Manager Grindall. (MOTION)**

**Background/Discussion** – The City of Newark’s anticipated allotment of Community Development Block Grant (CDBG) funds for the 2015-2016 Fiscal Year is unknown. In order to meet the deadlines for approval by the United States Department of Housing and Urban Development (HUD), Newark needs to allocate the funds at this time. Therefore, we are using an estimate of \$102,599 for planning purposes. This estimate is based on the most recent information from HUD. Actual funding could be greater or smaller than this amount. Newark’s CDBG funds are allocated by formula into three primary categories - General Administration (\$7,800), Housing Rehabilitation (\$35,404), and Jurisdiction Improvement Projects (\$102,599).

The General Administration funds are used to reimburse the City for the expense of administering the CDBG funds. The Housing Rehabilitation funds are dedicated to two county-run programs that assist qualified homeowners with repairs to their homes (the Minor Home Repair Program and the Owner Rehabilitation Program). The Jurisdiction Improvement Project funds are available to the City for qualifying projects.

The Community Development Advisory Committee (CDAC) met on January 26, 2015 to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement Project funds for fiscal year 2015-2016. At that meeting, the CDAC voted unanimously to recommend that the City Council allocate all of the funds

to the City's Housing Rehabilitation Program. The funds will be used to assist lower-income Newark residents repair and improve their homes.

**Action** – It is recommended that the City Council, by motion, approve the allocation of anticipated CDBG jurisdiction improvement project funds for fiscal year 2015-2016 to the City's Housing Rehabilitation Program.

**F.3 Authorization for the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2015 Music at the Grove Program – from Recreation and Community Services Director Zehnder. (RESOLUTION)**

**Background/Discussion** – Since 1987, the Recreation and Community Services Department has organized a summer concert series at Shirley Sisk Grove. Based upon the quality of service provided for the 1987 through 2014 concert series, staff recommends that the firm of Joel Nelson Productions, Inc., be retained to provide entertainment and production services for the four scheduled concerts. The proposed agreement requires that Joel Nelson Productions, Inc. will:

1. Provide four (4) live professional musical entertainment events at the Shirley Sisk Grove. Concerts will be held on Friday evenings, June 26, July 10, July 24, and August 7, 2015. With permission from City staff, concerts dates are subject to change.
2. Provide for all acts and talent as approved by City staff.
3. Provide on-site sound and stage managers at all concerts to coordinate and execute technical requirements.
4. Provide setup, installation, and maintenance of a stage for each concert. Stage for the 2015 concert series must be of professional quality and will be upgraded to include commercial-grade scaffolding, shade cover, plywood backing and skirting. All stage surfaces to be painted black.
5. Provide professional setup, installation, and maintenance of all sound, audio, and electrical equipment for each concert.
6. Provide professional staffing to assist with day-of-event logistics.

The amount to be paid to Joel Nelson Productions, Inc., for all services described above is \$22,600.00. Funding for the 2015 Music at the Grove concert series will be arranged through the Newark Betterment Corporation as well as in-kind services from local businesses and organizations including Homewood Suites, and Tri-City Voice.

Permission to use the parking lot area at NewPark Mall and the access roads will be finalized prior to the first concert on June 26, 2015.

Because the concerts are being sponsored totally by the City, liability coverage is provided under the City's ABAG Plan. It should be noted that as part of the agreement with NewPark Mall, the City will have to indemnify them for losses, which may occur as a result of the concert's activities. The indemnification will release NewPark Mall from any and all liability for Music at the Grove attendees who utilize the parking lot area.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2015 Music at the Grove Program.

**F.4 Approval of an agreement for legal services with Silver & Wright, LLP – from Assistant City Manager Grindall and City Attorney Benoun. (RESOLUTION)**

**Background/Discussion** - The City of Newark maintains an active Code Enforcement Division that enforces the Newark Municipal Code, predominantly Title 7 ("Community Preservation and Nuisance Abatement"). Staff has identified several properties situated throughout the City that constitute a nuisance and have a substantial amount of code violations. Staff requires professional legal services to assist with the abatement of these nuisance properties. Staff would seek to recover any and all and all legal fees and costs incurred in connection with the code enforcement from the responsible property owners.

Very few law firms in California specialize in this type of professional legal services. Staff has researched these firms and concludes that Silver & Wright, LLP provides high quality legal services that best satisfies the City of Newark's code enforcement needs and does so within a reasonable budget.

The anticipated costs of the professional services will be incurred by the existing City Attorney budget as amended by the City Council on January 22, 2015.

**Attachment**

**Action** – It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement for legal services with Silver & Wright LLP.

**F.5 Approval of specifications, acceptance of bid, and award of agreement to Staples Contract and Commercial, Inc. for Silliman Activity and Family Aquatic Center Meeting Room Replacement Tables – from Recreation and Community Services Director Zehnder. (RESOLUTION)**

**Background/Discussion** – This project will result in the purchase of twenty six (26) replacement conference tables for the meeting room located at the Silliman Activity and Family Aquatic Center.



Bids for the project were opened on January 27, 2015 with the following results:

<b>Bidder</b>	<b>Amount</b>
Staples Contract and Commercial, Inc.	\$ 25,714.90

The 2014-2015 Biennial Budget includes funding for this project in Fiscal Year 2014-2015 through the Capital Replacement Program.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the bid and award an agreement to Staples Contract and Commercial, Inc. for the replacement of conference tables within the Silliman Activity and Family Aquatic Center.

#### **G. CITY ATTORNEY REPORTS**

#### **H. ECONOMIC DEVELOPMENT CORPORATION**

#### **I. CITY COUNCIL MATTERS**

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

- J.1 Resolution of the City of Newark acting as the Successor Agency to the Newark Redevelopment Agency adopting and endorsing the Recognized Obligation Payment Schedule for the period of July to December 2015 (ROPS 15-16A) – from Administrative Services Director Woodstock.**

**(RESOLUTION)**

**Background/Discussion** – Assembly Bill (AB) 1x26 and the subsequent amendment, AB 1484, require agencies to adopt a Recognized Obligation Payment Schedule (ROPS) for each six (6) month period in which the Successor Agency is closing out the obligations of the former Newark Redevelopment Agency.

The Successor Agency and the Oversight Board previously have approved several ROPSs for periods between January 2012 and June 2015.

The only obligation remaining from the dissolution of the Newark Redevelopment Agency is the loan from the City to the Newark Redevelopment Agency. On June 27, 2012, the Governor signed AB 1484 which updated the procedures for the dissolution of the redevelopment agencies and indicated that a loan can be considered an

obligation if the Agency obtains a Finding of Completion and the Oversight Board approves the loan as an obligation. The State Department of Finance issued a Finding of Completion to the Successor Agency and the Oversight Board approved the loan. The Successor Agency received the first payment on the loan in June 2014. ROPS 14-15B did not request any payment, because the full allocation for Fiscal Year 2014-2015 was received from ROPS 14-15A. ROPS 14-15B was still submitted to the State to recognize the outstanding debt balance on the loan.

The outstanding debt on the loan is \$404,241. Per HSC section 34191.4 (b) (2), the Agency can request \$48,007 in Fiscal Year 2015-2016 for repayment of the loan. Per HSC 34171 (b), the City can be reimbursed for administrative costs up to 3% of the property tax allocated to the Successor Agency which is \$3,145 in Fiscal Year 2015-2016. The Agency will request half of each of these amounts on ROPS 15-16A and the second half on ROPS 15-16B.

Upon approval by the Successor Agency, the ROPS 15-16A will be presented to the Oversight Board for consideration.

#### **Attachment**

**Action** - It is recommended that the City Council acting as the Successor Agency to the Newark Redevelopment Agency, by resolution, adopt and endorse the Recognized Obligation Payment for the period of July to December 2015 (ROPS 15-16A).

#### **K. ORAL COMMUNICATIONS**

#### **L. APPROPRIATIONS**

#### **M. CLOSED SESSION**

#### **N. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.