

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, July 23, 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:

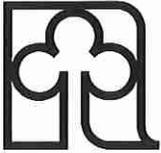
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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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AGENDA

Thursday, July 23, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 9, 2015. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Presentation by the Alameda-Contra Costa Transit District on their proposed Service Expansion Plan. (PRESENTATION)**

Background/Discussion – The Alameda-Contra Costa Transit District (AC Transit) is proposing approximately 40 updated recommendations for expanded and improved routes and schedules throughout their service area. Detailed information about this Service Expansion Plan is available on the AC Transit website at actransit.org/sep.

Austin Lee, Transportation Planner for AC Transit will give a presentation on the proposed Service Expansion Plan at the City Council meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

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

Background/Discussion – On June 25, 2015, the City Council adopted Resolution No. 10,395 declaring its intention to abandon a portion of the western half of Hickory Street right-of-way north of Perrin Avenue. The proposed limits of the abandonment are the Alameda County Flood Control and Water Conservation District (District) property located just north of Perrin Avenue and a line approximately 337 feet north of the District boundary as measured along the original Hickory Street centerline. The requested abandonment is consistent with the recent approval of abandonment of the eastern half of this segment of Hickory Street. 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 area is utilized by Cargill, Inc. as a primary haul route.

If abandoned, this segment of Hickory Street right-of-way would revert back to Cargill, Inc., as the underlying fee title owner. Utility providers with services in this general area have been notified of the proposed right-of-way abandonment. Utility easements will be reserved over portions of the right-of-way in a manner consistent with previous easement reservations on the eastern half of Hickory Street. Staff has not received any objections to the proposed abandonment.

Attachment

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

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 Approval of a leave of absence without pay through August 31, 2015 for Senior Equipment Mechanic Rothman – from Human Resources Technician Gendreau. (MOTION)**

Background/Discussion – Jim Rothman, Senior Equipment Mechanic for the Public Works Department has requested an extension to his medical leave of absence without pay through August 31, 2015. The Personnel Rules and Regulations require City Council approval for leaves of absences without pay in excess of two calendar months.

Attachment – None

Action - It is recommended that the City Council, by motion, approve a leave of absence without pay through August 31, 2015 for Senior Equipment Mechanic Rothman.

- F.2 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, provide police services for traffic control and waive fees related to the parade and race, and waive fees for use of the Community Center and MacGregor Playfields, with the exception to the fees required for the building superintendent and janitorial services – Assistant Engineer Carmen and Police Sergeant Hoppe. (MOTIONS-3)**

Background/Discussion – The annual Newark Days Parade and Newark Mile Race will be held on Saturday, September 19, 2015. The routes for the parade and race will be the same as last year. Newark Days Celebration, Inc. has requested that the City: (1) issue a no-fee encroachment permit for the parade and race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception to the fees required for the building superintendent and janitorial services.

Attachment

Action – It is recommended that the City Council, by motions: (1) authorize staff to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with the exception to the fees required for the building superintendent and janitorial services.

F.3 Approval of plans and specifications, acceptance of bid and award of contract to G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093 – from Associate Civil Engineer Tran. (MOTION)(RESOLUTION)

Background/Discussion – On February 26, 2015, the City Council authorized staff to advertise for bids for this year’s street maintenance projects. This year’s maintenance overlay and patch paving, and citywide parking lot repair projects are being combined into one project to result in better unit prices. The combined project scope of work includes localized patch paving, pavement grinding, surfacing paving, and re-striping on various City streets and parking lots.

Bids for the project were opened on June 30, 2015 with the following results:

Bidder	Amount
G. Bortolotto & Company, Inc.	\$ 918,999.39
O’Grady Paving, Inc.	950,347.50*
C. F. Archibald Paving, Inc.	964,408.25
DeSilva Gates Construction LP	989,055.00
Granite Construction Company	1,098,343.50
Goodfellow Top Grade Construction, LLC.	1,229,365.00
Interstate Grading & Paving, Inc.	1,418,056.50
 Engineer’s Estimate	 \$ 912,000.00

**Corrected for minor mathematical error*

The 2014-2016 Biennial Budget includes funding for this project in Fiscal Year 2014-2015. The streets maintenance portion of this project will be funded through Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, and the Traffic

Congestion Relief Fund. The parking lots maintenance portion will be funded with Capital funds.

Staff recommends that this project be awarded to the lowest responsible bidder, G. Bortolotto & Company, Inc.

Attachment

Action – It is recommended that the City Council, by motion, approve the plans and specifications and by resolution, accept the bid and award the contract to G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093.

F.4 Approval of the final map for Tract 8165, a 15-unit residential subdivision (Continental Residential, Inc.) located at 38517 Birch Street – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On June 12, 2014, the City Council approved Tentative Tract Map 8165 for a 15-unit residential subdivision on an approximate 1.82-acre site located at 38517 Birch Street. Continental Residential, Inc., has submitted the required fees, bonds, and other documents for approval of the final map for Tract 8165. Off-site improvements on Birch Street include a new driveway opening for a private street, frontage sidewalk and landscaping, utility connections, and a pavement overlay. 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 8165, a 15-unit residential subdivision (Continental Residential, Inc.) located at 38517 Birch Street.

F.5 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 Capital Budget Rollover – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – During the annual review of capital projects for Fiscal Year 2015-2016, a need has been identified to amend the 2014-2016 Biennial Budget and Capital Improvement Plan. The Fiscal Year 2014-2015 appropriations have lapsed at year-end and projects that are ongoing or works in progress need to be re-appropriated for the Fiscal Year 2015-2016.

The capital budget amendments include rolling over \$9,317,030 of previously approved capital projects appropriations, including streets and roadway projects, and street trees and landscape maintenance projects. This amount is projected based on the estimated costs to complete the approved projects.

Exhibit A outlines all capital projects that require rollover of appropriations from Fiscal Year 2014-2015 to Fiscal Year 2015-2016.

Attachment

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

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Designation of a voting delegate and alternate(s) for the Annual Business Meeting of the League of California Cities' Annual Conference – from City Clerk Harrington. (MOTION)

Background/Discussion – The League of California Cities' Annual Conference will be held from Wednesday, September 30 through Friday, October 2, 2015. The conference will be held at the San Jose Convention Center. The Annual Business Meeting will be held on October 2 beginning at noon. At this meeting the League membership considers and takes action on resolutions that establish League policy. The League has requested that the City Council designate a voting delegate and up to two alternates for the Annual Business Meeting. If none of the City Council Members are planning on attending the conference, then no action is necessary.

Attachment

Action - It is recommended that the City Council, by motion, designate a voting delegate and up to two alternates for the Annual Business Meeting of the League of California Cities' Annual Conference.

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, July 23, 2015. (MOTION)

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.