

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 9, 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:

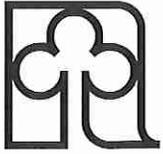
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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 9, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, June 25, 2015. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Commending Tim Watson. (COMMENDATION)**

Background/Discussion – Tim Watson has worked for the City of Newark in a variety of capacities and currently works as an adult sports official. Mr. Watson is also a Santa Clara Valley Transportation Authority bus driver. In June, Mr. Watson’s quick actions on his bus route led to the safe return of a boy who had been kidnapped in Milpitas. A commendation has been prepared to honor Mr. Watson.

- C.2 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 93rd Anniversary. (PROCLAMATION)**

Background/Discussion – The Portuguese Fraternal Society of America Council 16 will celebrate the annual Holy Ghost Festival on July 25-26, 2015. This will also be a celebration of the Society’s 93rd Anniversary in the City of Newark. Members of the Society will be at the City Council to accept the proclamation.

- C.3 Proclaiming July “Parks Make Life Better Month” in Newark. (PROCLAMATION)**

Background/Discussion – Parks and recreation have the power to strengthen communities, transform lives, and protect the future. The City of Newark will celebrate the impact of parks and recreation in our community by proclaiming July as “Parks Make Life Better Month.”

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

**E.1 Hearing to consider P-15-24, a planned unit development, and U-15-25, a conditional use permit, for a temporary Salvation Army facility to be located at 36601 Newark Boulevard (APN: 92A-900-1-2) and a request for a waiver of the application fees – from Assistant City Manager Grindall.
(RESOLUTION)(MOTION)**

Background/Discussion - In February 2015, the Planning Commission and City Council approved a rebuild of the existing Salvation Army facility at 36700 Newark Boulevard. As that project requires a complete demolition of the existing structure, the Salvation Army is in need of a temporary facility in order to continue to serve the community.

Directly across the street from the existing facility is the Old Town Center, which is zoned Neighborhood Commercial. There are units in this center that the owner is willing to lease to the Salvation Army for the duration of their project. Salvation Army estimates they would need no more than 18 months at this temporary location. As such, a condition has been included in the proposed resolution limiting this use to no more than 18 months, without an extension approved by the Planning Commission and City Council.

There would be a total of four employees and the hours of operation would be 7:30 a.m. to 7:00 p.m. Monday through Friday, with occasional operations on Saturday. Unit 50 will be used for offices, while Unit 63 will be used as a meeting room, food distribution once a week, and Youth Group activities. There will be very minimal food storage at the facility as the food for distribution is stored and delivered to the facility from the Salvation Army's county warehouse in Alameda. There will be no church services held at this facility. One of the conditions of the resolution is that there shall be no queuing allowed outside at any time. All visitors will be directed inside upon arrival and the food distribution shall take place inside the facility.

The office portion of the Salvation Army's operation is permitted and not subject to any discretionary review. However, the food distribution, which is neither permitted nor conditional, triggers the need for a planned unit development and conditional use permit. As part of this process, property owners within 300 feet of the parcel were notified of the Salvation Army's proposal. City staff did not receive any comments nor objections.

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

Attachment

Update – At its meeting of June 23, 2015, the Planning Commission approved Resolution No. 1915, with Exhibit A, pages 1 through 8, approve P-15-24, a planned unit development, and U-15-25, a conditional use permit, for a temporary Salvation Army facility to be located at 36601 Newark Boulevard (APN: 92A-900-1-2).

Action - It is recommended that the City Council: (1) by resolution, with Exhibit A, pages 1 through 8, approve P-15-24, a planned unit development, and U-15-25, a

conditional use permit, for a temporary Salvation Army facility to be located at 36601 Newark Boulevard (APN: 92A-900-1-2); and (2) by motion, approve the request for waiver of fees.

E.2 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments – from Maintenance Supervisor Carey. (MOTION)(RESOLUTION)

Background/Discussion – The Superintendent of Streets' report on the 2015 Weed Abatement Program is submitted pursuant to Resolution No. 10,326 adopted by the City Council on February 26, 2015. The report showing the assessments for the fall 2014 and the spring 2015 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing. As of July 2, 2015, no written objections have been received.

On April 9, 2015, the City Council directed the Superintendent of Streets to abate weeds on 151 parcels of land. Subsequent to notification, private property owners cleared 141 parcels and the City's contractor cleared 10 parcels. This year, the assessments ranged from \$592 to \$7,606. The lowest cost is for a vacant property that requires minimal work. The highest cost was for the Union Pacific Railroad property, where mowing, extensive handwork and trash removal was necessary. There were no supplemental lot clearings for the 2014 fall abatement work included in this year's assessments.

Attachment

Action - It is recommended that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2015 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments.

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 Authorization for the Mayor to sign an amendment to the Joint Powers Agreement between the City of Newark and the City of Fremont for Paratransit Services for Fiscal Year 2014 – 2015 - from Recreation and Community Services Director Zehnder. (RESOLUTION)

Background/Discussion – Door-to-door shared ride transportation services are an essential service offered to Newark residents who are 70 years of age and older or who are unable to access public transit independently due to a medical or disabling health

condition. These paratransit services are provided to elderly and disabled Newark residents in order to improve their access to health care, shopping, errands, and social and recreational activities.

The City of Newark has contracted for paratransit services with City of Fremont since September 1, 2013. The most recent task order was approved on July 10, 2014 in the amount of \$145,000. As a result of an increase in ridership, the expenses for service have exceeded the Agreement's "not to exceed" amount of \$145,000, Fremont and Newark now wish to amend Task Order No. 7 as set forth below.

For services performed by Fremont in accordance with this Amendment, Newark will compensate Fremont in accordance with the terms and conditions of the Task Order, in an amount not to exceed \$29,000. Thus, the total compensation payable to Fremont in accordance with the Task Order as amended herein shall not exceed: \$174,000 (\$145,000 for the original Task Order, plus \$29,000 for this Amendment). The additional compensation is further described in Exhibit "B."

Funding for Newark Paratransit services is provided through Measure B sales tax. There are sufficient funds in the budget for this amendment.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign Amendment No. 1 to Task Order No. 7 to the Joint Powers Agreement with the City of Fremont for Newark Paratransit services.

F.2 Authorization for the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda – from Senior Accountant del Rosario and City Attorney Benoun. (RESOLUTION)

Background/Discussion – The City currently has an agreement with Alameda County which authorizes the collection of various taxes, assessments, and fees on the secured property tax roll. Since the passage of Proposition 218 in 1996, the County has required that each agency or district sign an annual statement certifying that each assessment, fee, and/or special tax placed on the tax rolls meets the requirements of Proposition 218.

Staff has reviewed each of the City's taxes, assessments, and fees to ensure compliance with the proposition. It is the opinion of the City Attorney that the City's taxes, assessments, and fees are in compliance with Proposition 218 requirements and the City is able to sign the certification.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda.

F.3 Authorization for the Public Works Director to renew the contract with Rosas Brothers Construction for 2015 Curb, Gutter and Sidewalk Replacement, Project 1095 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On April 11, 2013, the City Council awarded a contract to Rosas Brothers Construction for 2013 Curb, Gutter, and Sidewalk Replacement, Project 1042, with options to renew annually for up to three (3) additional years. The contractor is agreeable to renewing the contract for 2015 Curb, Gutter and Sidewalk Replacement, Project 1095 at the original contract unit prices. Specifications allow for the Public Works Director to exercise renewal of the contract if so approved by the City Council. The 2014-2016 Biennial Budget includes full funding for an estimated total project cost of \$238,000.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Public Works Director to renew the contract with Rosas Brothers Construction for 2015 Curb, Gutter, and Sidewalk Replacement, Project 1095.

F.4 Authorization for the Mayor to sign a Lease Agreement with Alameda County for lease of the Newark library facility – from City Manager Becker. (RESOLUTION)

Background/Discussion – The one-year Lease Agreement with Alameda County for the library facility expired on June 30, 2015. The County wishes to enter into a new five-year Agreement to provide public library services within the City of Newark. A new Lease Agreement has been prepared, the conditions of which remain the same as in the past except the term was expanded from one year to five years.

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

Attachment

Action - Staff recommends that the City Council, by resolution, authorize the Mayor to sign a Lease Agreement with Alameda County for lease of the Newark library facility.

F.5 Authorization for the Mayor to sign the Consultant Services Agreement with Bartel Associates LLC for Actuarial Services – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Government Accounting Standards Board (GASB) Statement Number 45 requires an actuarial valuation of the City's retiree healthcare plan every two years.

The retiree healthcare plan that the City offers is the minimum required by Public Employee Medical Hospital Care Act, known as the PEMCHA minimum. In 2015, the PEMCHA minimum was \$122 per month for each retiree. This is the only Other Post Employment Benefit (OPEB) offered by the City. The valuation report will summarize the census data used to prepare the report and provide updated information on the liability and assets of the City's OPEB.

Bartel Associates are one of the leading experts in the actuarial field and are very qualified to prepare this report for the City. The cost to prepare the report and advise the City on OPEB related matters is \$14,500. The consulting costs will be incurred by the existing Finance Department budget.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign the Consultant Services Agreement with Bartel Associates LLC for actuarial services.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of, 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.