

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, October 8, 2015

CITY COUNCIL:

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

CITY STAFF:

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

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

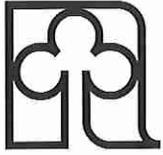
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS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



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, October 8, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, September 24, 2015. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Presentation from the Newark Unified School District in honor of the City's 60th Anniversary. (PRESENTATION)

Background/Discussion – Newark Unified School District Board Member Francisco Preciado will present a proclamation to the City in honor of the City's 60th Anniversary.

- C.2 Proclaiming October 21, 2015 as Unity Day. (PROCLAMATION)

Background/Discussion – October 21, 2015 is Unity Day, a day that promotes bullying awareness and prevention. A proclamation has been prepared and members of the Silliman Activity and Family Aquatic Center will accept it at the City Council meeting.

- C.3 Proclaiming October as National Domestic Violence Awareness Month. (PROCLAMATION)

Background/Discussion – October is National Domestic Violence Awareness Month. A proclamation has been prepared and members of Shelter Against Violent Environments (SAVE) will accept it at the City Council meeting.

- C.4 Presentation of City of Newark map hand drawn by Kyrie Sismaet. (PRESENTATION)

Background/Discussion – Newark resident, Kyrie Sismaet, has created a map of the City of Newark. Every park, street, and building is hand-drawn. Local sights such as neighborhood hangouts and local businesses are highlighted. Mr. Sismaet is attending college out of state; Mayor Nagy will present the art work to the City on behalf of Mr. Sismaet.

D. WRITTEN COMMUNICATIONS**E. PUBLIC HEARINGS****F. CITY MANAGER REPORTS - NONCONSENT****F.1 Authorization for acceptance of transfer of title for the Alameda County Fire Department Fire Truck 28 to the City of Newark, salvage of the 1996 Pierce Arrow Quint and amend the 2014-2016 Biennial Budget – from Administrative Services Director Woodstock. (RESOLUTION)**

Background/Discussion – In 2013, the Alameda County Fire Department (ACFD) submitted an application for Assistance to Firefighters Grant (AFG) for replacement of the City’s 1996 Pierce Arrow Quint. The City was not eligible to apply for the grant directly since fire services are provided by a contract with ACFD. The grant was awarded on June 27, 2014. The grant requires that the 1996 Pierce Arrow Quint be removed from firefighting service in any capacity. It was agreed that the City would salvage the 1996 Quint and reimburse ACFD for the 10 percent match upon transfer of the title of the new truck.

The new fire truck has been delivered and the ACFD Board of Directors approved the title transfer on September 15, 2015.

The final cost of the new fire truck was \$1,030,000. The Federal share was \$927,000 and the match is \$102,965.50. The cost to equip the new fire truck was \$33,563.65. The final cost to the City to accept the new fire truck is \$136,529.15.

Action - It is recommended that the City Council authorize staff to accept the title of the Alameda County Fire Department Fire Truck 28, salvage the 1996 Pierce Arrow Quint and amend the 2014-2016 Biennial Budget for Fiscal Year 2015-2016.

F.2 Authorization for the Mayor to sign an Agreement Implementing Conditions of Approval with Newark Enterprise Joint Venture, LLC to address the implementation of a private park condition of Vesting Tentative Map 8098 in the Dumbarton Transit Oriented Development Project– from Assistant City Manager Grindall (RESOLUTION)

Background/Discussion – A phase of the Dumbarton Transit Oriented Development Project was approved May 14, 2015 by the City Council. This phase is a 217 Unit residential development on what is commonly referred to as the Jones/Hamilton Property located on the south side of Enterprise Drive and east of Willow Street. The approval included numerous conditions, including condition “uuuu” of City Council Resolution No. 10342 which addressed acquisition of the Gallade Chemical property; clean up of contaminants; and construction of a park.

The condition provided numerous steps and conditions for the park development and included provision for the construction of a privately owned and maintained park, if certain issues or conditions arose that made ownership of the former Gallade Chemical property by the City problematic. The park would be open to the general public but owned, constructed and maintained by a private entity. The conditions of approval require the developer to provide the City with certain legal assurances and indemnifications from the current and former owners of the proposed park site if a public park was constructed and dedicated to the City. However, it now appears that assignment of these indemnifications and legal assurances on terms acceptable to the City may not be feasible due to factors beyond the control of the developer. Given this situation, the developer is requesting that the option for a private park be implemented so as to allow the project to proceed. The attached Agreement to Implement Conditions of Approval would allow the private park option to be implemented and includes provisions to provide financial guarantees and assurances that the private park is completed in a timely manner.

Since such an outcome, where a private park is implemented, is envisioned in the conditions, this agreement is in accord with the conditions of approval for this project. Other provisions are maintained, including the requirement that the Gallade Property is acquired and cleared and that the Regional Water Quality Control Board confirm that park use is appropriate on the site prior to its opening.

Condition “uuuu” addressed phasing the residential development with the completion of the first 121 units allowed if the Gallade property was acquired and the buildings demolished, and the completion of the remaining 96 units to be allowed when the park was constructed. The Agreement Implementing Conditions of Approval would allow the construction of the entire 217 unit project but would implement the park condition by requiring the developer to provide significant financial assurances and deposits, on terms deemed acceptable to City, to assure adequate funding for the construction and maintenance of a privately owned park site. The park would be constructed in accordance with the approved plans envisioned in the existing Conditions of Approval.

This agreement will implement condition “uuuu” by guiding the funding, construction, and maintenance of the park as a privately owned site, which could include additional advantages for the City, such as (1) reduced potential liability for the City, and (2) the costs of park maintenance would be borne by the new homeowners in the surrounding residential development.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an Agreement Implementing Conditions of Approval with Newark Enterprise Joint Venture, LLC to address the implementation of a private park in the Dumbarton Transit Oriented Development Project area.

G. CITY ATTORNEY REPORTS

G.1 Claim of Aasif Shabbir – from City Clerk Harrington. (MOTION)

Background/Discussion – On August 27, 2015, the City received a claim from Aasif Shabbir in the amount of \$150.00 alleging damage to his water meter from City tree roots.

The claim and all relevant information were forwarded to ABAG Plan, the City's insurance administrator, who recommends that it be denied.

Attachment – None

Action - It is recommended that the City Council, by motion, deny the claim and authorize staff to inform the claimant of such denial.

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 October 8, 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.