CITY OF NEWARK
CITY COUNCIL

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

AGENDA

Thursday, July 28, 2016

City Administration Building
7:30 p.m.
City Council Chambers

CITY COUNCIL:

Alan L. Nagy, Mayor

Luis L. Freitas, Vice Mayor

Sucy Collazo

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

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

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 28, 2016

City Administration Building
7:30 p.m.
City Council Chambers

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 14, 2016. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Newly hired Senior Accountant Michael Djurovic, Associate Planner Sofia Mangalam, and Equipment Mechanic I Lorenzo Houle will be introduced at the City Council meeting.

C.2 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 94th Anniversary. (PROCLAMATION)

Background/Discussion – The Portuguese Fraternal Society of America Council 16 will celebrate the annual Holy Ghost Festival on July 23-24, 2016. This will also be a celebration of the Society's 94th Anniversary in the City of Newark. Council President Maria Fatima Silva and officers of the Society will be at the City Council to accept the proclamation.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of a review of a conditional use permit (U-12-7) for a change of owner of a day care facility (from Genius Kids to Young Explorers) at 39768 Cedar Boulevard (Cedar Springs Shopping Center) – from Assistant Planner Bowab. (RESOLUTION)

Background/Discussion – Mr. Sachin Gupta of Young Explorers has submitted an application for a change of owner of a day care facility located at 39768 Cedar Boulevard, in the Cedar Springs Shopping Center. Attached is Exhibit A, which includes a site plan, floor plan, outdoor area, and daily schedule.

Cedar Springs Shopping Center is on the east side of Cedar Boulevard, at the terminus of Joaquin Murieta Avenue. The center consists of four buildings sited in a "U" shape, with parking located in the center front of the property, on a rectangular shaped lot. The applicant's request involves approximately 2,325 square feet tenant space at the south end of Building "C", which is at the southeast corner of the property.

The site is zoned CC (Community Commercial) and has a CC (Community Commercial) General Plan Land Use designation. The existing day care facility (Genius Kids) was approved under the review of a conditional use permit (U-12-7) in 2012.

Young Explorers plans to operate exactly the same as Genius Kids, and is only requesting a name change. The hours of operation and staggered class schedules would remain the same. The only change proposed to the building exterior of this tenant space is a wall sign that would be submitted for staff review for compliance with the center's sign program.

Staff recommends approval of the Young Explorers' request.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301, Class 1, existing facilities.

Attachment

Update – At its meeting of July 12, 2016, the Planning Commission approved Resolution No. 1936 with Exhibit A, pages 1 through 4, for the review of a conditional use permit (U-15-7) for a change of owner of a day care facility (Young Explorers) at 39768 Cedar Boulevard (Cedar Springs Shopping Center).

Action – It is recommended that the City Council, by resolution, approve the review of a conditional use permit (U-15-7) for a change of owner of a day care facility (Young Explorers) at 39768 Cedar Boulevard (Cedar Springs Shopping Center).

E. PUBLIC HEARINGS

E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments – from Maintenance Supervisor Hornbeck.

(MOTION)(RESOLUTION)

Background/Discussion – The Superintendent of Streets' report on the 2016 Weed Abatement Program is submitted pursuant to Resolution No. 10,468 adopted by the City Council on February 25, 2016. The report showing the assessments for the fall 2015 and the spring 2016 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 19, 2016, no written objections have been received.

On April 14, 2016, the City Council directed the Superintendent of Streets to abate weeds on 151 parcels of land. Subsequent to notification, private property owners cleared 140 parcels and the City's contractor cleared 11 parcels. This year, the assessments ranged from $80 to $2,410. The lowest cost is for a vacant property that requires minimal work. The highest cost was for a property that had to be abated twice, where mowing and extensive handwork was necessary. There were no additional supplemental lot clearings for the 2015 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 2016 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.6 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 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2016-2017 Capital Budget Rollover – from Senior Accountant Djurovic. (RESOLUTION)

Background/Discussion – During the annual review of capital projects for Fiscal Year 2016-2017, a need has been identified to amend the 2016-2018 Biennial Budget and Capital Improvement Plan. The Fiscal Year 2015-2016 appropriations have lapsed at year-end and projects that are ongoing or works in progress need to be re-appropriated for the Fiscal Year 2016-2017.

The capital budget amendments include rolling over $9,851,200 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.

The previously approved capital projects appropriations balance includes $150,000 for the city-wide website upgrade project. The bid for this project was approved by the City Council at the June 23, 2016 City Council meeting.

Exhibit A outlines all capital projects that require rollover of appropriations from Fiscal Year 2015-2016 to Fiscal Year 2016-2017.

Attachment

Action - It is recommended that the City Council, by resolution, amend the 2016-2018 Biennial Budget and Capital Improvement Plan for the Fiscal Year 2016-2017 Capital Budget Rollover.

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 of 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 17, 2016. 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 of 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 Acceptance of work with Chrisp Company for 2014-2015 Citywide Thermoplastic Street Striping, Project 1082 – from Associate Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On September 11, 2013, The City Council authorized award of a contract to Chrisp Company for the 2011-2013 Citywide Thermoplastic Street Striping, Project 995 with options to renew annually for up to three additional years. On July 21, 2015, the Public Works Director, as authorized under the original project specifications, signed the second one-year renewal with Chrisp Company for 2014-2015 Citywide Thermoplastic Street Striping, Project 1082. This project installed thermoplastic striping and markings, and replaced missing or damaged pavement markers throughout the City. All the work is now complete within the project budget.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Chrisp Company for 2014-2015 Citywide Thermoplastic Street Striping, Project 1082.

F.4 Authorization for the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda – from Senior Accountant Lee 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.5 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County (CDBG) Program for Fiscal Year 2016-2017 – from Assistant Planner Bowab. (RESOLUTION)

Background/Discussion – Each year the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair.

Newark's funds are disbursed through Alameda County. The County oversees Newark's use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between Newark and Alameda County is attached. By approving this resolution, the City Council will authorize the Mayor to sign the agreement between the City of Newark and Alameda County, thereby continuing the City's participation in the CDBG program.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for fiscal year 2016-2017.

F.6 Authorization for the Mayor to Sign the First Amendment to Lease Agreement with Alameda County for Lease of the Newark Library Facility – from Maintenance Supervisor Connolly and City Attorney Benoun. (RESOLUTION)

Background/Discussion – Last year, the Council authorized the Mayor to sign a five year lease with Alameda County for lease of the Newark library facility that is owned by the City. The lease obligates the City to provide janitorial services for the building, subject to reimbursement from the County. Earlier this year, the City entered into a janitorial services agreement with SWA Services Group, Inc., which increased the level of janitorial service in City owned buildings that are open to the public.

Maintenance staff has consulted with County staff and the County has agreed to reimburse the City for the higher standard of janitorial services. An amendment to the lease has been prepared to reflect these increased costs, as well as to provide for reimbursement of a $357 plumbing expense that the City incurred in December when an outside vendor had to respond to an emergency plumbing repair outside normal City working hours.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign the First Amendment to Lease Agreement with Alameda County for Lease of the Newark Library Facility.

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 July 28, 2016. (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.