



# 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)

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

## AGENDA

**Thursday, February 9, 2012**

### CITY COUNCIL:

Alan L. Nagy, Mayor  
Ana M. Apodaca, Vice Mayor  
Luis L. Freitas  
Sucy Collazo  
Robert Marshall

### CITY STAFF:

John Becker  
City Manager  
Susie Woodstock  
Administrative Services Director  
Sandy Abe  
Human Resources Director  
Peggy A. Claassen  
Public Works Director  
Terrence Grindall  
Community Development  
Director  
Jim Leal  
Police Chief  
David Zehnder  
Recreation and Community  
Services Director  
Gary T. Galliano  
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:

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

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.

City Council Members act as Board Members of the **Redevelopment Agency** and the **Economic Development Corporation**. When there is business to discuss, the Council will adjourn and then reconvene as the Redevelopment Agency or the Economic Development Corporation.

**Addressing the City Council:** You may speak once on any listed item at the appropriate time. You may speak once 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 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 will be either referred to staff or placed on a future Council agenda.

CITY COUNCIL MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26.

Agendas are posted pursuant to Government Code Section 54954.2. Supporting materials are available at the Newark Library, in the City Clerk's office or at [www.newark.org](http://www.newark.org) on the Monday preceding the meeting. For those persons requiring hearing assistance, or other special accommodations, please make your request to the City Clerk two days prior to the meeting.



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

## AGENDA

Thursday, February 9, 2012

- A. ROLL CALL
  
- B. MINUTES
  - B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 26, 2012 and the special meeting of Monday, January 30, 2012.  
(MOTION)
  
- C. PRESENTATIONS AND PROCLAMATIONS
  - C.1 Ceremonial Oath of Office and presentation of Certificate of Appointment to Council Member Robert Marshall.
  
  - C.2 Introduction of Police Department K9s Eliot and Ares.
  
- D. WRITTEN COMMUNICATIONS
  - D.1 Zoning Administrator referral of ASC-12-1, an Administrative Special Civic Review, for an attached patio cover to the single-family residence at 5167 Ipswich Court – from Senior Planner Fujikawa. (REVIEW OPTIONAL)
  
- E. PUBLIC HEARINGS
  
- 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 1004A – from Maintenance Supervisor Carey. (RESOLUTION)**
  
- F.2 Acceptance of contract with Pacheco Brothers Gardening, Inc., for Citywide Miscellaneous Landscape Repair Project 949C – from Maintenance Supervisor Carey. (RESOLUTION)**
  
- F.3 Acceptance of contract with Coast Landscape Management for weed abatement services – from Maintenance Supervisor Carey. (RESOLUTION)**
  
- F.4 Approval of the allocation of anticipated CDBG jurisdiction improvement project funds for fiscal year 2012-2013 – from Planning Consultant Kristiansson and Community Development Director Grindall. (MOTION)**
  
- F.5 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2011 – from Administrative Services Director Woodstock. (MOTION)**
  
- G. CITY ATTORNEY REPORTS**
  
- H. REDEVELOPMENT AGENCY**
  
- I. ECONOMIC DEVELOPMENT CORPORATION**
  
- J. COUNCIL MATTERS**
  - J.1 Declaring a vacancy on the Newark Planning Commission and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (MOTION)**
  
- 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.



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

Thursday, January 26, 2012

### A. ROLL CALL

Mayor Nagy called the meeting to order at 7:33 p.m. Present were Council Members Freitas, Collazo, and Vice Mayor Apodaca.

Mayor Nagy led the Pledge of Allegiance.

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 12, 2012.

Council Member Freitas moved, Vice Mayor Apodaca seconded, to approve the Minutes. The motion passed, 4 AYES.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Proclaiming January 2012 as National Blood Donor Month in Newark.

Mayor Nagy read the proclamation aloud and presented it to Ed Faso of the American Red Cross Northern California Blood Services Region.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider an extension of a conditional use permit (U-07-32) and a planned unit development (P-07-33) for the continued operation of a farmers' market (Agricultural Institute of Marin) in the NewPark Mall parking lot (NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 [Nimitz Freeway]), and authorization to waive the application fee.

**MOTIONS (2) APPROVED**

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:40 p.m.

Emmett Brady, representing the Agricultural Institute of Marin, said that he read Planning Commission Resolution No. 1822 and agreed to the conditions in the resolution.

Mayor Nagy closed the public hearing at 7:42 p.m.

Council Member Freitas moved, Council Member Collazo seconded to approve by motions: (1) Planning Commission Resolution No. 1822 with Exhibit C, pages 1 through 4, for an extension of a conditional use permit (U-07-32) and a planned unit development (P-07-33) for the continued operation of a farmers' market (Agricultural Institute of Marin) in the NewPark Mall parking lot (NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 [Nimitz Freeway]); and (2) authorize a waiver of the application fee. The motion passed, 4 AYES.

**E.2 Hearing to consider a six-month review of a conditional use permit (U-10-23) for an existing wireless telecommunications facility (Clearwire) at 7275 Thornton Avenue (A&S Enterprise). MOTION APPROVED**

Council Member Collazo announced that she owned property within 500 feet of this item and would recuse herself. Council Member Collazo left the City Council Chambers.

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:45 p.m.

Jim Elgee with Cortel (agent for Clearwire) stated he was available to answer any questions.

Mayor Nagy closed the public hearing at 7:46 p.m.

Vice Mayor Apodaca moved, Council Member Freitas seconded to approve the six-month review of a conditional use permit (U-10-23) for an existing wireless telecommunications facility (Clearwire) at 7275 Thornton Avenue (A&S Enterprise) without any further reviews. The motion passed, 4 AYES.

Council Member Collazo returned to the City Council Chambers.

**F. CITY MANAGER REPORTS**

Council Member Collazo moved, Council Member Freitas seconded, to approve Consent Calendar Items F.1 through F.4, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES.

**CONSENT**

- F.1 Authorization for the Mayor to sign a License Agreement Amendment between Cargill, Inc. and the City of Newark for the police range.**  
**RESOLUTION NO. 9911**  
**Contract No. 08068**
- F.2 Second reading and adoption of an ordinance repealing Ordinance No. 300 and deleting Section 21 – Credit for Taxes Due to Newark Redevelopment Agency from Ordinance No. 137, as amended, the Uniform Local Sales and Use Tax Ordinance.** **ORDINANCE NO. 451**
- F.3 Second reading and adoption of an ordinance for a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove “administrative, financial, professional and real estate offices” as a permitted use in the Regional Commercial (CR) Zoning District and add it to the list of conditional uses in Chapter 17.20, Commercial Districts, Section 17.20.040E (Conditional Uses).** **ORDINANCE NO. 452**
- F.4 Authorization for the Administrative Services Director to sign a Contract for Deposit of Moneys and the Business Online Banking and Cash Management Services Agreement with Fremont Bank.**  
**RESOLUTION NO. 9912**  
**Contract No. 12002**  
**Contract No. 12003**

City Attorney Galliano read the titles of the ordinances aloud.

**NONCONSENT**

- F.5 Resolutions electing to have the City of Newark as the Successor Agency to the Newark Redevelopment Agency assume the housing activities of the Newark Redevelopment Agency and adopt the Enforceable Obligation Payment Schedule.**

**RESOLUTION NO. 9913 Housing Activities**  
**RESOLUTION NO. 9914 Enforceable Obligation**

City Manager Becker stated that per Health and Safety Code Section 34176, the City may opt to retain the housing assets and functions previously performed by the Newark Redevelopment Agency.

He further stated that Assembly Bill 1x26 requires the City, acting as the Successor Agency, to adopt an Enforceable Obligation Payment Schedule to allow the continued payment on the Agency's obligations.

Council Member Freitas moved, Council Member Collazo seconded to elect to have the City of Newark retain the housing assets and housing functions previously performed by the Newark Redevelopment Agency. The motion passed, 4 AYES.

Council Member Collazo moved, Vice Mayor Apodaca seconded to act for the City of Newark and City of Newark as Successor Agency to the Newark Redevelopment Agency adopt the Enforceable Obligation Payment Schedule. The motion passed, 4 AYES.

City Attorney read the titles of the resolutions aloud.

**G. CITY ATTORNEY REPORTS**

The City Council recessed to convene as the Redevelopment Agency.

**H. REDEVELOPMENT AGENCY**

Chairman Nagy called the meeting to order at 7:54 p.m.

Board Members Freitas, Collazo, and Vice Chair Apodaca were present.

**H.1 Approval of Minutes of the Newark Redevelopment Agency meeting of January 12, 2012.**

Vice Chair Apodaca moved, Board Member Collazo seconded, to approve the Minutes. The motion passed, 4 AYES.

**H.2 Second reading and adoption of an ordinance repealing Ordinance RA-ORD-93-1 which will repeal the Sales and Use Tax Ordinance for the Redevelopment Agency. RA-ORDINANCE-2012-1**

Executive Director Becker gave the staff report recommending approval.

Board Member Freitas moved, Board Member Collazo seconded to adopt an ordinance to repeal Ordinance RA-ORD-93-1 which will repeal the Sales and Use Tax Ordinance for the Redevelopment Agency. The motion passed, 4 AYES.

At 7:56 p.m. Chairman Nagy adjourned the Redevelopment Agency and reconvened the City Council meeting.

## **I. ECONOMIC DEVELOPMENT CORPORATION**

## **J. COUNCIL MATTERS**

- J.1** Vice Mayor Apodaca congratulated Guillermo Nevarez recipient of the Kids' Breakfast Club Volunteer of the Year Award.
- J.2** Council Member Collazo announced that she attended the League of California Cities New Mayors and Council Members Academy.
- J.3** Mayor Nagy announced that he attended the United States Conference of Mayors meeting and would provide an oral report at the next meeting.

## **K. ORAL COMMUNICATIONS**

- K.1** Jack Dane stated that many of the candidates for the City Council vacancy were in the audience and suggested that they introduce themselves after the meeting.
- K.2** Michelle Romero introduced herself as a candidate for the City Council vacancy.

## **L. APPROPRIATIONS**

City Clerk Harrington read the Register of Audited Demands: Check numbers 93600 to 93733.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES.

## **M. CLOSED SESSION**

- M.1** **Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation: One case.**

At 8:01 p.m. the City Council recessed to a closed session.

At 8:15 p.m. the City Council convened in closed session.

At 8:30 p.m. the City Council reconvened in open session with all Council Members present.

**N. ADJOURNMENT**

At 8:30 p.m. Council Member Collazo moved, Council Member Freitas seconded, to adjourn the City Council meeting. The motion passed, 4 AYES.



# CITY OF NEWARK CITY COUNCIL

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**SPECIAL MEETING**

## Minutes

**Monday, January 30, 2012**

**City Administration Building  
6:00 p.m.  
City Council Chambers**

### **A. ROLL CALL**

Mayor Nagy called the meeting to order at 6:00 p.m. Present were Council Members Freitas, Collazo, and Vice Mayor Apodaca.

### **B. COUNCIL MATTERS**

- B.1 Applicant interviews and adoption of resolution appointing a candidate to fill the vacancy on the Newark City Council for the term expiring November 2013.**  
**RESOLUTION No. 9915**  
**MOTION APPROVED**

The City Council agreed to a set of eight questions to ask all of the applicants.

Melinda and Moses Garcia spoke in support of Michelle Romero.

Speaking in support of Mike Bucci were:

Robert Simao

Amy Tuleen

Rebecca Gomez.

The City Council interviewed applicants: Bernie Nillo, Ronald Brazil, Robert Marshall, Donna Sisk, and Danny Radcliff.

At 7:30 p.m. the City Council recessed and reconvened the meeting at 7:50 p.m.

The City Council interviewed applicants: Roberto Khamseh, Michelle Romero, Andrew Limtiaco, Jack Dane, Mike Bucci, and Christopher Weeks.

At 8:48 p.m. the City Council recessed and reconvened the meeting at 9:03 p.m.

The City Council interviewed applicant Angelina Reyes.

The entire City Council thanked the candidates.

Mayor Nagy stated his top pick was Robert Marshall.

Vice Mayor Apodaca stated her top picks were Mike Bucci and Angelina Reyes.

Council Member Freitas stated his top pick was Robert Marshall.

Council Member Collazo stated her top picks were Robert Marshall and Angelina Reyes.

Vice Mayor Apodaca moved, Council Member Collazo seconded to appoint Angelina Reyes. The motion failed, 2 AYES, 1 NO (Nagy), 1 ABSTENTION (Freitas).

Council Member Freitas moved, Council Member Collazo seconded to appoint Robert Marshall. The motion passed, 3 AYES, 1 NO (Apodaca).

Council Member Freitas moved, Council Member Collazo seconded to appoint Robert Marshall to fill the vacancy on the Newark City Council for the term expiring November 2013 and, by motion, direct the City Clerk to administer the Oath of Office to the appointee before the February 6, 2012, deadline. The motion passed, 3 AYES, 1 NO (Apodaca).

City Attorney Galliano read the title of the resolution aloud.

**C. ORAL COMMUNICATIONS**

**D. ADJOURNMENT**

At 9:33 p.m. Mayor Nagy adjourned the meeting.

**C.1 Ceremonial Oath of Office and presentation of Certificate of Appointment to Council Member Robert Marshall.**

**Background/Discussion** – Robert Marshall was appointed to the unexpired term of Alan Nagy on the Newark City Council at a special City Council meeting held on January 30, 2012. Council Member Marshall was officially sworn into office, by the City Clerk, on January 31, 2012. The administration of the Oath of Office and presentation of the Certificate of Appointment on February 9, 2012, are for ceremonial purposes.

**C.2 Introduction of Police Department K9s Eliot and Ares.**

**Background/Discussion** – Officers Jackman and Mavrakis will present their K-9 partners Eliot and Ares to the City Council.

**D.1 Zoning Administrator referral of ASC-12-1, an Administrative Special Civic Review, for an attached patio cover to the single-family residence at 5167 Ipswich Court – from Senior Planner Fujikawa. (REVIEW OPTIONAL)**

**Background/Discussion** – This site is at the end of Ipswich Court, a cul-de-sac off of Chelsea Drive, in the Lake District. It is zoned R-8000-SC (Low Density Residential - 8,000 District - Special Civic) and backs up to the lake. The property owners would like to add an approximately 24.5 foot wide by 21 foot deep (includes the overhangs) by 8 foot high patio cover at the rear of this one-story residence. The patio cover would be constructed of white Alumawood, which has the appearance of wood but without the associated cost and maintenance.

While staff has exempted this project from the Single-Family Residential Design Review process, Administrative Special Civic Review (ASC) approval is still required. The Zoning Administrator has approved the ASC application.

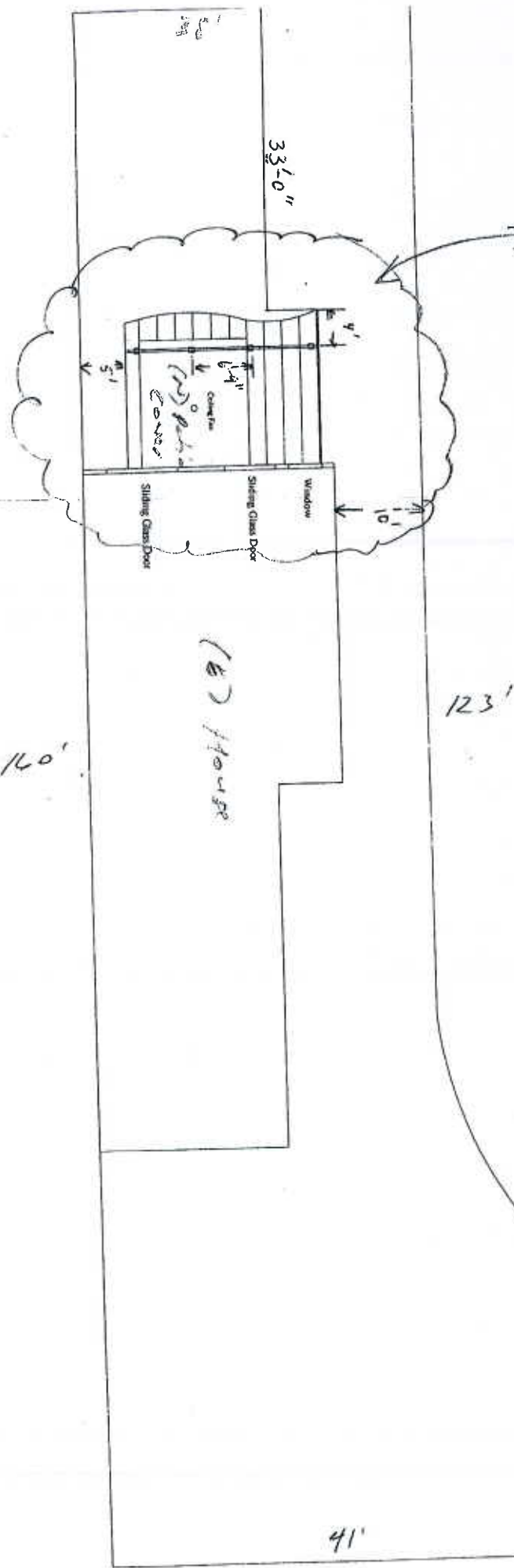
Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1(e), additions to existing structures.

**Attachment**

**Update** – This item is scheduled to be presented to the Planning Commission at its meeting of February 7, 2012, as an informational item.

**Action** – City Council review of this item is optional.



SEE next sheet  
for enlarged partial  
site plan

**RECEIVED**

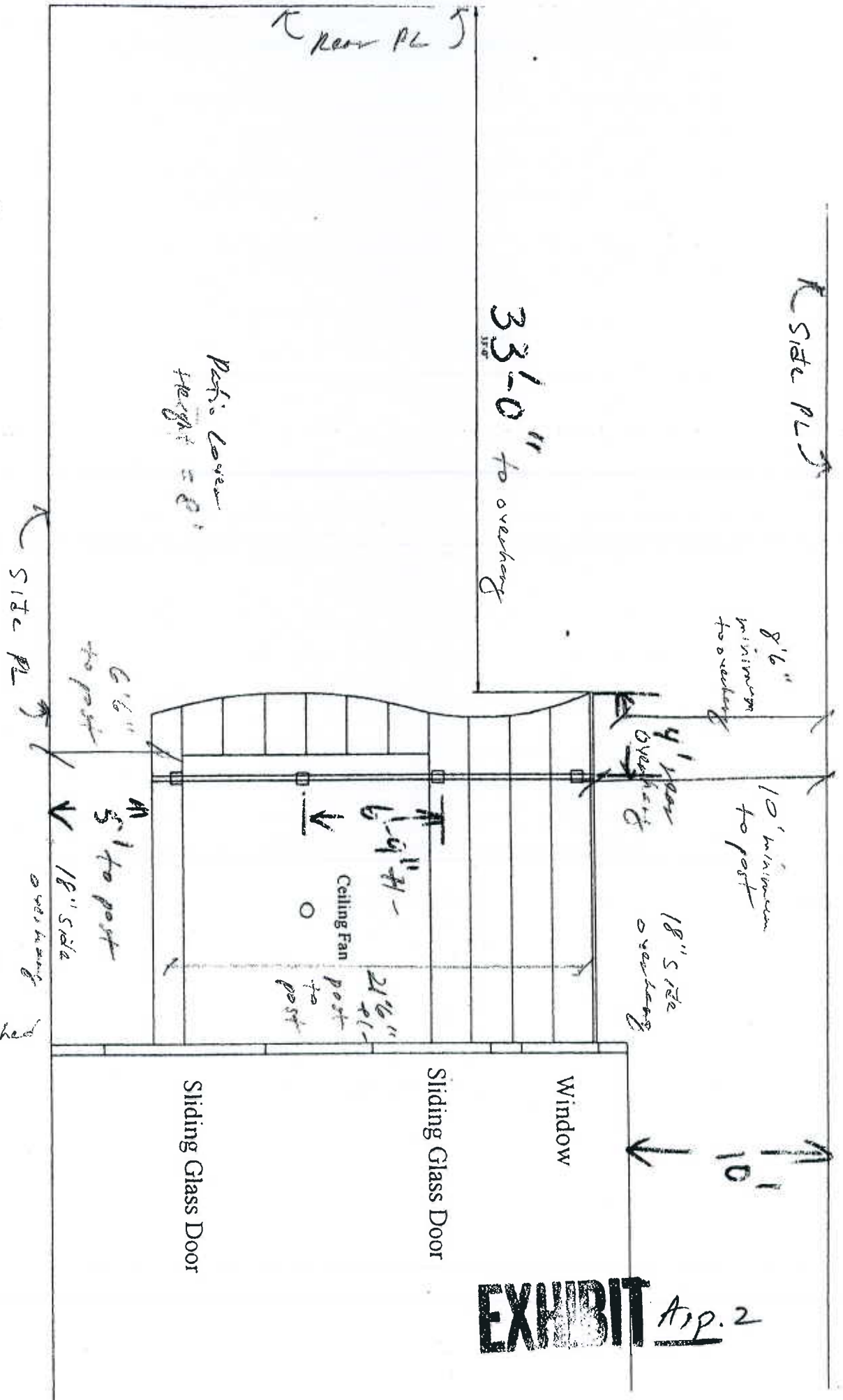
JAN 23 2012

CITY OF NEWARK  
BUILDING INSPECTION

5167 Ipswich  
Court  
Proposed Attached  
Patio Cover

**EXHIBIT** App. 1

Enlarged Partial  
Site Plan  
(no scale)



5167 Ipswich  
Court  
Proposed Attached  
Patio Cover

**EXHIBIT** A.p. 2

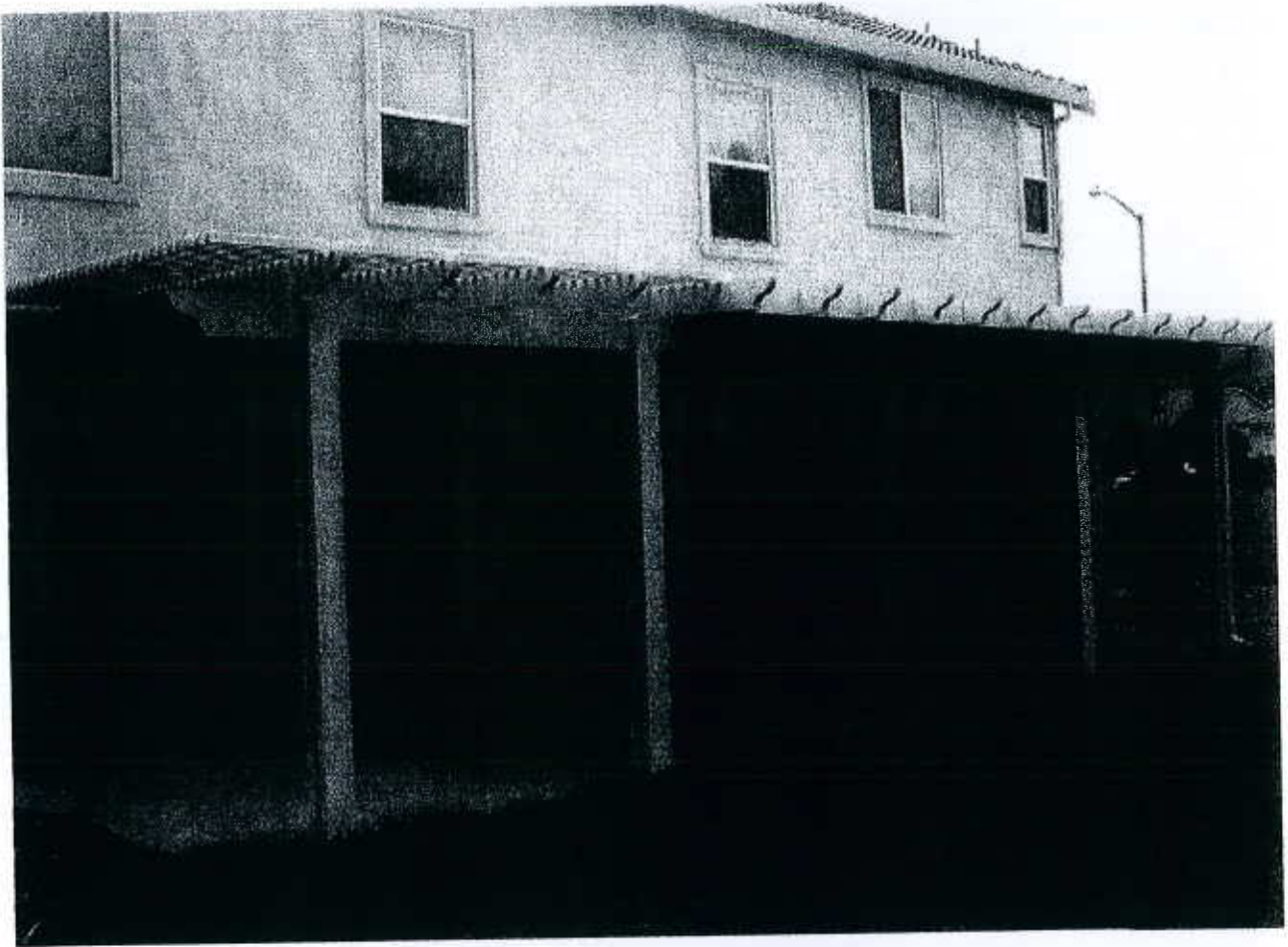


Photo of Proposed Attached Patio Cover  
(taken from a different house, which  
has same cover as proposed for  
5167 Ipswich Court)

EXHIBIT A.1.3



Photo of Proposed Attached Patio Cover  
(taken from a different house which  
has same cover as proposed for  
5167 Ipswich Court)

EXHIBIT A-10-4

**F.1 Acceptance of contract with New Image Landscape Company for Park and Landscape Maintenance Services Project 1004A – from Maintenance Supervisor Carey. (RESOLUTION)**

**Background/Discussion** – On December 9, 2010 the City Council awarded a contract to New Image Landscape Company for 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 1004A.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE 2011 CONTRACT WITH NEW  
IMAGE LANDSCAPE COMPANY FOR PARK AND  
LANDSCAPE MAINTENANCE SERVICES PROJECT 1004A

WHEREAS, the City of Newark entered into a 2011 contract with New Image Landscape Company, pursuant to Resolution No. 9788, in accordance with plans and specifications for the contract; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the 2011 contract herein above referred to and the conditions there of;

NOW, THEREFORE, BE IT RESOLVED that said 2011 contract is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing completion of work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.

**F.2 Acceptance of contract with Pacheco Brothers Gardening, Inc., for Citywide Miscellaneous Landscape Repair Project 949C – from Maintenance Supervisor Carey. (RESOLUTION)**

**Background/Discussion** – On January 14, 2010 the City Council awarded a contract to Pacheco Brothers Gardening, Inc., for miscellaneous landscape repair services.

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 2011 Citywide Miscellaneous Landscape Repair. All work on this project is now complete.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the contract with Pacheco Brothers Gardening, Inc., for Citywide Miscellaneous Landscape Repair Project 949C.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE 2011 CONTRACT WITH  
PACHECO BROTHERS GARDENING, INC., FOR CITYWIDE  
MISCELLANEOUS LANDSCAPE REPAIR PROJECT 949C

WHEREAS, the City of Newark has entered into a 2010 contract with Pacheco Brothers Gardening, Inc., pursuant to Resolution No. 9668, in accordance with plans and specifications for the contract; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the 2011 rollover of the contract herein above referred to and the conditions there of;

NOW, THEREFORE, BE IT RESOLVED that said 2011 contract is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing completion of work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.

**F.3 Acceptance of contract with Coast Landscape Management for weed abatement services – from Maintenance Supervisor Carey. (RESOLUTION)**

**Background/Discussion** – On March 24, 2011 the City Council awarded a contract to Coast Landscape Management for weed abatement services. All work on this project is now complete.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the contract with Coast Landscape Management for Weed Abatement Services.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE 2011 CONTRACT WITH COAST  
LANDSCAPE MANAGEMENT FOR 2011 WEED  
ABATEMENT SERVICES

WHEREAS, the City of Newark entered into a 2011 contract with Coast Landscape Management, pursuant to Resolution No. 9819, in accordance with plans and specifications for the contract; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the 2011 contract herein above referred to and the conditions there of;

NOW, THEREFORE, BE IT RESOLVED that said 2011 contract is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing completion of work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.

**F.4 Approval of the allocation of anticipated CDBG jurisdiction improvement project funds for fiscal year 2012-2013 – from Planning Consultant Kristiansson and Community Development Director Grindall. (MOTION)**

**Background/Discussion** – The City of Newark’s anticipated allotment of Community Development Block Grant (CDBG) funds for fiscal year 2012-2013 is still unknown. However, in order to meet the deadlines for approval by the U.S. Department of Housing and Urban Development (HUD), Newark needs to allocate the funds at this time. Therefore, we are using an estimate of \$171,803 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 (\$44,325), and Jurisdiction Improvement Projects (\$119,678).

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.

**Recommendations for use of 2012-2013 Jurisdiction Improvement Funds**

The Community Development Advisory Committee (CDAC) met on January 26, 2012 to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement Project funds for fiscal year 2012-2013. At that meeting, the CDAC voted unanimously to recommend that the City Council allocate \$50,000 to replace the HVAC in the Phase II part of the Senior Center, \$10,000 to remodel the bathrooms for the Head Start building, and the remainder of the funds (approximately \$59,678) for repairs needed to the Second Chance homeless center. These projects are described below:

- The HVAC in the Phase II remodeled building of the Senior Center is 21 years old and no longer functions well. Replacement will both allow more efficient cooling of the building and increased energy efficiency.
- The Head Start building gets heavy use throughout the year. The bathrooms there are worn, need rehabilitation, and remodeling.
- The Second Chance homeless shelter houses approximately 30 people per night. The building needs work, including a retrofit to the foundation, which has settled, and repair of the sewer system under the building. Other work is also needed, including replacement of the flooring in the hallway, kitchen, and pantry. The amount of money received will determine how much of this work can be completed. Based on the experience from past years, staff anticipates that there will be enough funding to at least complete the foundation and sewer work.

**Attachment - None**

**Action** – It is recommended that the City Council, by motion, approve the allocation of anticipated CDBG jurisdiction improvement project funds for fiscal year 2012-2013 with \$50,000 to replace the HVAC in the Phase II building of the Senior Center, \$10,000 to remodel the bathrooms in the Head Start building, and the remainder of the funds for repairs at the Second Chance homeless shelter.

**F.5 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2011 – from Administrative Services Director Woodstock.**  
**(MOTION)**

**Background/Discussion** – As part of the year-end closing process, staff presents the audited Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2011. The financial statements included in this report provide information on the City's year-end financial condition and the results of operation for the Fiscal Year 2010-2011. The report was audited by our independent auditors, Caporicci and Larson, who have issued an unqualified opinion on the report.

The City's financial statements were prepared according to the requirements of the Government Accounting Standards Board (GASB). The two government-wide financial statements provide a broad view of the City's financial position and activities in a manner similar to the private sector business reporting. The Statement of Net Assets provides information about the financial position of the City, including all assets and liabilities. The Statement of Activities provides information about the City's revenues and expenses. In the Transmittal Letter and Management Discussion and Analysis, the Administrative Services Director provides a narrative overview and analysis of the City's financial activities and performance during the fiscal year.

Copies of the CAFR are being forwarded to the City Council. A copy has also been placed in the Newark Library.

**Attachment**

**Action** - It is recommended that the City Council, by motion, accept the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2011.

**J.1 Declaring a vacancy on the Newark Planning Commission and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (MOTION)**

**Background/Discussion** – On January 30, 2012, the Newark City Council appointed Robert Marshall to fill the vacancy on the City Council. Robert Marshall has submitted his resignation from the Newark Planning Commission effective immediately. Mr. Marshall's term was scheduled to expire in December 2014.

Pursuant to Government Code Section 54974, whenever an unscheduled vacancy occurs on a commission a special vacancy notice shall be posted not later than 20 days after the vacancy occurs. The vacancy notice must be posted for at least ten days before the Mayor may appoint a new commission member.

**Attachment**

**Action** - It is recommended that the City Council, by motion, declare a vacancy on the Newark Planning Commission and direct the City Clerk to post the notice of vacancy.

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January 31, 2012

Hon. Mayor Alan Nagy  
City of Newark  
37101 Newark Boulevard  
Newark, CA 94560

Dear Mayor Nagy:

Please consider this letter as my formal resignation from the City of Newark Planning Commission. It has been a pleasure serving the City in this capacity and I look forward to my future service as a member of the Newark City Council. Thanks to you and the Council for the opportunity to serve.

Kindest regards,



Robert J. Marshall  
City of Newark  
Planning Commission