



# 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 27, 2014**

### CITY COUNCIL:

*Alan L. Nagy, Mayor*

*Ana M. Apodaca, Vice Mayor*

*Luis L. Freitas*

*Sucy Collazo*

*Robert Marshall*

### 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](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 *Economic Development Corporation*. When there is business to discuss, the Council will adjourn and then reconvene as the Economic Development Corporation. When the City Council acts as the *Successor Agency to the Redevelopment Agency*, it is winding up the former Redevelopment Agency's obligations.

**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 state your name 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.



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City Administration Building  
7:30 p.m.  
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## AGENDA

Thursday, February 27, 2014

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, February 13, 2014. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

- C.1 Commending the 2013 California District 14 Big League All-Stars. (COMMENDATION)**

- C.2 Proclaiming March as American Red Cross Month in Newark. (PROCLAMATION)**

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

- E.1 Hearing to consider adoption of an Initial Study/Mitigated Negative Declaration (E-13-19) and an amendment to a conditional use permit (U-93-22) for modifications (conversion to LED) to an existing parcel identification sign (Fremont Mazda) at 39800 Balentine Drive – from Assistant City Manager Grindall. (MOTIONS-2)**

**F. CITY MANAGER REPORTS**

(It is recommended that Items F.1 through F.4 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 City of Newark to apply for a California Department of Alcoholic Beverage Control (ABC) grant – from Police Chief Leal.  
(RESOLUTION)**
  
- F.2 Amendment to Resolution No. 2505, Employee Classification Plan, to retitle the Senior Public Safety Clerk classification specification to Police Records Supervisor – from Human Resources Technician Gendreau.  
(RESOLUTION)**
  
- F.3 Approval of Specifications, Acceptance of Bid, and Award of Contract to Joel Nelson Productions for Productions Services for the 2014 Music at the Grove Summer Concert Series - from Recreation and Community Services Director Zehnder.  
(RESOLUTION)**
  
- F.4 Initiation of the 2014 Weed Abatement Program and setting a date for a public hearing – from Deputy Fire Marshal Guier/ Maintenance Supervisor Carey.  
(RESOLUTION)**

**NONCONSENT**

- F.5 Resolution accepting the findings and recommendations contained in Newark-Fremont Bay Trail Realignment Feasibility Study, approval of the preferred alignment, and supporting the re-alignment of the San Francisco Bay Trail within Newark– from Assistant City Manager Grindall.  
(RESOLUTION)**

**G. CITY ATTORNEY REPORTS**

- G.1 Claim of Jenelle Cooper – from City Clerk Harrington. (MOTION)**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

- I.1 Appointment to the Planning Commission – from Mayor Nagy.  
(RESOLUTION)**

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



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**City Administration Building**  
**5:30 p.m.**  
**City Council Chambers**

## **Minutes** **Special Meeting**

**Thursday, February 13, 2014**

### **A. ROLL CALL**

Mayor Nagy called the special meeting to order at 5:35 p.m. Present were Council Members Collazo, Freitas, Marshall, and Vice Mayor Apodaca.

### **B. Work Session to discuss the 2014-2016 Biennial Budget and the year to date revenue and expenditures for the current budget.**

City Manager Becker gave an overview of the ongoing budget balancing measures, the services that were restored as a result of the Utility Users Tax, and issues impacting the budget. He noted that the Utility Users Tax sunsets on December 31, 2015 and provides funding for 9 percent of the total budget.

Administrative Services Director Woodstock reviewed the current fiscal year budget. She projected a small surplus that would be transferred to the capital reserves, equipment replacement and reserves to reduce the Pension and OPEB (other post-employment benefit) liabilities.

City Manager Becker presented the budget priorities for 2014-2016 by departments.

While reviewing the revenue and expenditure forecast for 2014-2016, Administrative Services Director Woodstock highlighted that the expiration of the Utility User Tax on December 31, 2015 would result in budget deficits beginning fiscal year 2016-2017.

Vice Mayor Apodaca suggested conducting a poll of the voters on the Utility Users Tax. The City Council concurred with this idea.

City Manager Becker reviewed the process for the Capital Improvement Plan and stated that it would be presented at a City Council meeting in April.

### **C. ORAL COMMUNICATIONS**

No one came forward to speak.

### **D. ADJOURNMENT**

At 7:04 p.m. Mayor Nagy adjourned the special meeting.



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City Council Chambers

## Minutes

Thursday, February 13, 2014

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 23, 2014.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

### C. PRESENTATIONS AND PROCLAMATIONS

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

### F. CITY MANAGER REPORTS

Vice Mayor Apodaca moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.5, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

### CONSENT

#### F.1 Authorization for the Mayor to sign an agreement with Second Chance, Inc. to operate a multi-purpose shelter for the period of January 1, 2014 through June 30, 2018.

RESOLUTION NO. 10165  
CONTRACT NO. 14001

- F.2 Approval of the allocation of anticipated CDBG jurisdiction improvement project funds for fiscal year 2014-2015. MOTION APPROVED**
  
- F.3 Authorization for the Mayor to sign an amendment to the agreement with Badawi and Associates for auditing services. RESOLUTION NO. 10166 CONTRACT NO. 09015**
  
- F.4 Approval of plans and specifications, acceptance of bid and award of contract to ALB, Inc. for Citywide Park Pathways Resurfacing For ADA Access, Project 1055. MOTION RESOLUTION NO. 10167 CONTRACT NO. 14002**
  
- F.5 Amendment of the 2012-2014 Biennial Budget and Capital Improvement Plan for Fiscal Year 2013-2014 for General Revisions. RESOLUTION NO. 10168**

**NON CONSENT**

- F.6 Approving Proposal, authorization for the Mayor to sign a software and services agreement and a software maintenance agreement with CRW Systems, Inc. for Project No. 1043, Building Inspection Permit Tracking Software, and amend the 2012-2014 Biennial Budget for Fiscal Year 2013-2014. RESOLUTION NO. 10169 agreement RESOLUTION NO. 10170 budget**

Chief Building Architect/City Architect Collier gave the staff report recommending approval.

Council Member Freitas moved, Council Member Marshall seconded to by resolution, approve the proposal and authorize the Mayor to sign a contractual software and services agreement and a software maintenance agreement with CRW Systems, Inc. for Project 1043, Building Inspection Permit Tracking Software; and, by separate resolution, amend the 2012-2014 Biennial Budget for Fiscal Year 2013-14 for the Building Inspection Permit Tracking Software, Project No. 1043. The motion passed, 5 AYES.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

- I.1** Vice Mayor Apodaca reminded the public that flu shots were still available.
- I.2** Council Member Collazo stated that tickets were still available for the League of Volunteer's "An Elegant Affaire" on February 14, 2014.

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

- J.1 Resolution of the City of Newark acting as the Successor Agency to the Newark Redevelopment Agency approving the loan repayment schedule. RESOLUTION NO. SA-2014-1**

Administrative Services Director Woodstock stated that the State Department of Finance issued a Finding of Completion to the Successor Agency making the loan from the City to the Redevelopment Agency for Redevelopment Area 2 eligible for repayment. The eligible repayment amount is \$409,990. Upon approval by the Successor Agency, the loan repayment schedule will be presented to the Oversight Board.

Council Member Marshall moved, Council Member Collazo seconded that the City Council acting as the Successor Agency to the Newark Redevelopment Agency, by resolution, approve the loan repayment schedule in accordance with Health and Safety Code 34176(e)(6)(B). The motion passed, 5 AYES.

- J.2 Resolution of the City of Newark acting as the Successor Agency to the Newark Redevelopment Agency adopt and endorse the Recognized Obligation Payment Schedule for the period of July to December 2014. RESOLUTION NO. SA-2014-2**

Administrative Services Director Woodstock stated that the Recognized Obligation Payment Schedule (ROPS) needs to be adopted every six months for the close out of the Redevelopment Agency. Upon approval by the Successor Agency, the ROPS will be presented to the Oversight Board.

Council Member Marshall moved, Council Member Collazo seconded that the City Council acting as the Successor Agency to the Newark Redevelopment Agency, by resolution, adopt and endorse the Recognized Obligation Payment for the period of July to December 2014. The motion passed, 5 AYES.

**K. ORAL COMMUNICATIONS**

- K.1** Judy Zlatnik, President of Life Elder Care, outlined the services provided by her organization. She invited the City Council to participate in March for Meals celebration by riding with a Meals on Wheels driver.
- K.2** John Henneberry requested a moment of silence in memory of Roger Jones. He stated that Mr. Jones helped people with Redlight Photo Enforcement Tickets and stated his belief that they were counter effective.

**L. APPROPRIATIONS**

City Clerk Harrington read the Register of Audited Demands: Check numbers 100485 to 100667.

Council Member moved, Council Member seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

**M. CLOSED SESSION**

**N. ADJOURNMENT at 7:54 p.m.**

At 7:54 p.m., Mayor Nagy adjourned the City Council meeting.

**C.1 Commending the 2013 California District 14 Big League All-Stars.**

**(COMMENDATION)**

**Background/Discussion** – Little League Baseball’s Big League Baseball program is for youth ages 15 to 18. Players participate in a regular season, playing against teams from other local leagues and districts. In 2013 California District 14 had two teams composed of players from Newark and Fremont. From the two District 14 teams, one all-star team was assembled to represent the District in post-season all-star tournaments including Sectionals, Divisionals, and Regionals. The all-star team progressed all the way to the final game and finished the season as the number two Big League team in Little League Baseball’s Western Region.

**C.2 Proclaiming March as American Red Cross Month in Newark. (PROCLAMATION)**

**Background/Discussion** – President Barack Obama has proclaimed March as American Red Cross Month across the United States. Helen Knudson, a member of the American Red Cross Leadership Council, will accept the City of Newark proclamation at the meeting.