



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 10, 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. 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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7:30 p.m.
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AGENDA

Thursday, July 10, 2014

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, June 26, 2014 and the adjourned regular City Council meeting of Monday, June 30, 2014. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 92nd Anniversary. (PROCLAMATION)
 - C.2 Commending Eagle Scout Samuel Englese. (COMMENDATION)
 - C.3 Presentation by Supervisor Richard Valle on Science in the Park. (PRESENTATION)

- D. WRITTEN COMMUNICATIONS
 - D.1 Planning Commission referral of a review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive – from Assistant City Manager Grindall. (MOTION)

- E. PUBLIC HEARINGS
 - E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11 – from Senior Civil Engineer Fajeau. (RESOLUTION)

- E.2** Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13 – from Senior Civil Engineer Fajeau. (RESOLUTION)

- E.3** Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15 – from Senior Civil Engineer Fajeau. (RESOLUTION)

- E.4** Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16 – from Senior Civil Engineer Fajeau. (RESOLUTION)

- E.5** Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17 – from Senior Civil Engineer Fajeau. (RESOLUTION)

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 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 work with ALB, Inc. for Citywide Park Pathways Resurfacing For ADA Access, Project 1055 – from Associate Civil Engineer Tran. (RESOLUTION)

- F.2** Approval of plans and specifications, approval of bid withdrawal request from Graham Contractors, Inc., and acceptance of bid and award of contract to VSS International, Inc. for 2014 Street Microsurfacing Program, Project 1064 – from Associate Civil Engineer Tran. (MOTIONS-2)(RESOLUTION)

NONCONSENT

- F.3** Authorization for the Mayor to sign Task Order No. 7 to the Joint Powers Agreement with the City of Fremont for Paratransit Services – from Recreation and Community Services Director Zehnder. (RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Designation of a voting delegate and alternate(s) for the Annual Business Meeting of the League of California Cities' Annual Conference – from City Clerk Harrington. (MOTION)**

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

M. CLOSED SESSIONS

- M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun and Assistant City Manager Grindall.**
- M.2 Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City of Newark et al., Alameda County Superior Court Case No. RG10530015 – from City Attorney Benoun and Assistant City Manager Grindall.**
- M.3 Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City Council of the City of Newark et al., Alameda County Superior Court Case No. RG14709701 – from City Attorney Benoun and Assistant City Manager Grindall.**

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.



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

Minutes

Thursday, June 26, 2014

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, Marshall, and Vice Mayor Apodaca.

City Manager Becker announced that it came to staff's attention this afternoon that there was an agenda posting irregularity at the Library. A library staff member placed the agenda on the local documents shelf instead of posting it on the City notice bulletin board. He recommended that the City Council adjourn the meeting to Monday, June 30, 2014 when all the agenda items may be considered.

Council Member Marshall moved, Council Member Collazo seconded to adjourn the meeting to Monday, June 30, 2014 beginning at 7:30 p.m. in the City Council Chambers.

B. ADJOURNMENT at 7:33 p.m. to Monday, June 30, 2014 beginning at 7:30 p.m. in the City Council Chambers.



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

Minutes

Monday, June 30, 2014

A. ROLL CALL

Mayor Nagy called the adjourned meeting to order at 7:30 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, June 12, 2014.

Council Member Collazo moved, Council Member Freitas seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSTENTION (Marshall).

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road. **MOTION APPROVED**

City Manager Becker gave the staff report recommending approval.

Joangel Pare, stated that she read Planning Commission Resolution No. 1880 and agreed to the conditions.

Council Member Freitas moved, Council Member Marshall seconded to, by motion, approve Planning Commission Resolution No. 1880, with Exhibit B, page 1 through 4, for a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

**E.1 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 1. RESOLUTION NO. 10239**

City Manager Becker gave the staff report and recommended that the City Council open public hearings E.1 through E.5 simultaneously.

At 7:35 p.m. Mayor Nagy opened public hearings E.1 through E.5 Landscaping and Lighting District Nos. 1, 2, 4, 6, and 7 simultaneously.

No one came forward to speak.

At 7:36 p.m. Mayor Nagy closed public hearings E.1 through E.5, Landscaping and Lighting District Nos. 1, 2, 4, 6, and 7 simultaneously.

Council Member Marshall moved, Council Member Collazo seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, and 7 for the 2014-2015 fiscal year. The motion passed, 5 AYES.

**E.2 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 2. RESOLUTION NO. 10240**

**E.3 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 4. RESOLUTION NO. 10241**

**E.4 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 6. RESOLUTION NO. 10242**

**E.5 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 7. RESOLUTION NO. 10243**

**E.6 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 10. RESOLUTION NO. 10244**

Vice Mayor Apodaca and Council Member Collazo recused themselves because they each own property within District No. 10 and exited the City Council Chambers.

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:37 p.m.

There was no public testimony.

Mayor Nagy closed the public hearing at 7:38 p.m.

Council Member Freitas moved, Council Member Marshall seconded to by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 10 for the 2014-2015 fiscal year. The motion passed, 3 AYES, 2 RECUSED.

Vice Mayor Apodaca and Council Member Collazo returned to the City Council Chambers.

E.7 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments.

**MOTION APPROVED
RESOLUTION NO. 10245**

City Manager Becker gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:39 p.m.

There was no public testimony.

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

Vice Mayor Apodaca moved, Council Member Marshall seconded to, by motion, act upon any objections by property owners for assessments on their parcels for the 2014 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 "Zoning Map" by rezoning all that real property shown on Vesting Tentative Tract Map 8166 from CC (Community Commercial) to R-1,500 (High Density Residential – 1,500).

ORDINANCE NO. 475

- F.2 Authorization for the City Manager to sign a lease agreement with Child, Family, & Community Services, Inc. for use of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool.**
RESOLUTION NO. 10246
CONTRACT NO. 14025
- F.3 Authorization for the Mayor to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for use of the Jerry Raber Ash Street Park Building #1 for the operation of a food and clothing distribution center.**
RESOLUTION NO. 10247
CONTRACT NO. 14026
- F.4 Authorization for the Mayor to sign Task Order No. 8 to the Joint Powers Agreement with the City of Fremont for Case Management services.**
RESOLUTION NO. 10248
CONTRACT NO. 09044
- F.5 Amendment of the 2012-2014 Biennial Budget and Capital Improvement Plan for Fiscal Year 2013-2014 for General Revisions. RESOLUTION NO. 10249**

NONCONSENT

- F.6 Calling and giving notice of the holding of a General Municipal Election on Tuesday, November 4, 2014, for the election of certain officers of the City of Newark.**
MOTION APPROVED
RESOLUTION NO. 10250

City Clerk Harrington gave the staff report recommending approval.

Vice Mayor Apodaca moved, Council Member Collazo seconded to, by motion, approve the estimated cost of \$600 to be paid by each candidate at the time nomination papers are filed for his/her Statement of Qualifications and, by resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of certain officers; requesting the Alameda County Board of Supervisors to consolidate the General Municipal Election with the General Election to be held on November 4 2014; and request services of the Registrar of Voters. The motion passed, 5 AYES.

F.7 Adoption of a resolution placing an extension of the existing City of Newark Utility Users Tax on the November 4, 2014 Election Ballot for voter consideration and related election procedures and consideration of the Ballot Measure language and participation in Ballot Arguments.

RESOLUTION NO. 10251

City Manager Becker gave the staff report recommending that the City Council approve the ballot language as presented and place an ordinance on the November 4, 2014 ballot extending the existing Utility Users Tax. The tax rate would be reduced from 3.5% to 3.25% effective January 1, 2016. The tax would be extended for a period of 5 years and will expire on December 31, 2020. An exemption will be provided for low-income residents and seniors age 70 and older. The City Attorney will be directed to prepare the impartial analysis of the measure. The Mayor will be designated to author and sign a ballot argument on behalf of the City Council for the measure along with four other community members. Rebuttal arguments will be allowed and, if there is an argument submitted in opposition to the measure, the Mayor will be authorized to author and sign a rebuttal argument, along with four other community members.

John Henneberry stated that he opposed the Utility Users Tax and the ballot language. He suggested changing the ballot question to “some seniors” or “seniors over 70”. He speculated that the questions used by Godbe Research impacted the survey results. He questioned the agreement with Rouse properties for NewPark Mall since a fiscal emergency was declared in 2010.

Tim Jones stated that the previous speaker misrepresented the agreement with Rouse Properties. He stated that he supported the Utility Users Tax and outlined the services the community received as a direct result of that funding.

Council Member Collazo moved, Vice Mayor Apodaca seconded to approve a resolution directing the submission to the voters of the City of Newark a question relating to the extension of the utility users tax at the general municipal election to be held on November 4, 2014. The motion passed, 5 AYES.

**F.8 Approval of First Amendment to the Transfer Services Agreement between the Cities of Newark and Union City and BLT Enterprises of Fremont, LLC, and associated budget amendments. RESOLUTION NO. 10252
CONTRACT NO. 07044**

Administrative Services Director Woodstock stated that BLT expressed concerns regarding the City’s delivery obligations under the current Agreement. The chief concern was the interpretation of the definition of recyclable material and repercussion of a load not meeting the disputed definition. The proposed amendment to the agreement relieves the City of any past liability and clarifies the City and BLT’s obligations under the Agreement going forward.

Administrative Services Director Woodstock stated that the settlement would increase rates by approximately 4%. She proposed to pay for the increase for calendar year 2014 from the Waste Augmentation Fund. The settlement costs will be included in the rate setting process for the 2015 calendar year rates.

Council Member Freitas moved, Council Member Collazo seconded to, by resolution, (1) authorize the Mayor to sign the First Amendment to the Service Agreement between the Cities of Newark and Union City and BLT Enterprises of Fremont, LLC, and (2) approve a budget amendment to the 2012-2014 Biennial Budget for Fiscal Year 2013-2104 and (3) approve a budget amendment to the 2014-2016 Biennial Budget for Fiscal Year 2014-2015. The motion passed, 5 AYES.

F.9 Approval of First Amendment to the Collection of Solid Waste and Collection and Processing of Source Separated Recyclable Materials, Organic Materials and Construction and Demolition between the City of Newark and Allied Waste Services of North America LLC.

**RESOLUTION NO. 10253
CONTRACT NO. 13002**

Administrative Services Director Woodstock stated that the First Amendment to the Franchise Agreement will establish the Construction and Demolition (C&D) processing procedures and the hauling of C&D residue to the Transfer Station. The Amendment will change the residue level for all materials from a required 10% residue level to a goal of a 10% residue level. If any rate adjustment is necessary, it will occur during the annual rate adjustments.

Council Member Freitas moved, Council Member Marshall seconded to, by resolution, authorize the Mayor to sign the First Amendment to the Agreement for Collection of Solid Waste and Collection and Processing of Source Separated Recyclable Materials, Organic Material and Construction and Demolition between the City of Newark and Allied Waste Services of North America LLC. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

G.1 Claim of Meher Homi Press.

MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Council Member Collazo moved, Council Member Marshall seconded, to deny the claim and directed staff to notify the claimant of such denial. The motion passed, 5 AYES.

H. ECONOMIC DEVELOPMENT CORPORATION**I. CITY COUNCIL MATTERS**

- I.1** The entire City Council wished the community a safe Independence Day.
- I.2** Council Member Collazo invited the community to attend the First Annual Mariachi Festival on Sunday, July 20, 2014 at Shirley Sisk Grove from 2 to 5 p.m.
- I.3** Council Member Marshall commended the Silliman Center staff. He noted that he reviewed his Allied Waste bill and agreed with the comments that Dean Lewis made at a previous meeting regarding the timing of the bill.

Administrative Services Director Woodstock stated that staff was still looking into the billing matter with Allied Waste.

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

- I.1** David Romero thanked the Fire Department and Royal Ambulance for saving his life on June 15.
- I.2** John Henneberry discussed his encounter with Council Member Marshall and Police Officer Neithercutt in 2012. He compared Mayor Nagy to other historical elected officials such as Adolph Hitler and Richard Nixon. Mr. Henneberry quoted sections from the Brown Act. He shared his interpretation of the law.

Mayor Nagy stated that he disagreed with Mr. Henneberry's interpretation of the Brown Act.

- I.3** Tim Jones invited the City Council and public to attend National Night Out on August 5, details are available on the city website. He stated it was disheartening to see City Council Members insulted at meetings.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 101737 to 101830.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:40 p.m. Mayor Nagy adjourned the City Council meeting.

C.1 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 92nd Anniversary. (PROCLAMATION)

Background/Discussion – The Portuguese Fraternal Society of America Council 16 will celebrate the annual Holy Ghost Festival on July 26-27, 2014. This will also be a celebration of the Society’s 92nd Anniversary in the City of Newark. Members of the Society will be at the City Council to accept the proclamation.

C.2 Commending Eagle Scout Samuel Englese.

(COMMENDATION)

Background/Discussion – Samuel Englese has completed all the requirements necessary to be awarded the rank of Eagle Scout. In recognition of this achievement, a commendation has been prepared and the new Eagle Scout will accept it at the City Council meeting.

C.3 Presentation by Supervisor Richard Valle on Science in the Park.

(PRESENTATION)

Background/Discussion – Science in the Park will be held on Saturday, October 4, 2014 at the Alden E. Oliver Sports Park in Hayward from 9 am to 4 pm. Supervisor Richard Valle will give a presentation on the event which will promote STEM, environment, health and nutrition for the community.

D.1 Planning Commission referral of a review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive – from Assistant City Manager Grindall. (MOTION)

Background/Discussion - Ms. Deborah Rue, D.V.M., as manager of Fideux, LLC., the property owner, has submitted an application proposing modifications to a veterinary surgery center previously approved by the Planning Commission and City Council in December 2012. The original center was designed to be approximately 11,490 square feet, occupying a portion of the one-story office building also occupied by Silver Creek Fitness and Physical Therapy. The center is designed to be a consortium of veterinary specialists to provide specialized treatment such as emergency trauma clinic, surgery, oncology, and ophthalmology on a referral-based system from other veterinarians.

Subsequent to the original 2012 approval, additional specialists approached Dr. Rue to join her practice at this new facility. In order to accommodate these new specialists, an additional 4,000 square feet is needed and will provide space for, among other services, MRI's, a CT Scanner, and Radiology. In addition, an enclosed exercise yard is also proposed along with both dog and cat wards. Although some parking will be removed as part of the expansion, the remaining parking on-site exceeds that required for an office building. The addition matches the architecture, materials, and colors of the existing building and will blend seamlessly.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, (Existing Facilities) expansion of existing facility involving negligible or no expansion of an existing use.

Attachment

Update – At its meeting of June 24, 2014, the Planning Commission approved Resolution No. 1881 for the review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, with Exhibit B, pages 1 through 4, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive.

Action - It is recommended that the City Council, motion, approve Resolution No. 1881 for the review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, with Exhibit B, pages 1 through 4, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive.

RESOLUTION NO. 1881

RESOLUTION APPROVING A REVIEW OF U-12-21, A CONDITIONAL USE PERMIT, AND P-12-22, A PLANNED UNIT DEVELOPMENT, FOR MODIFICATIONS TO A PREVIOUSLY APPROVED VETERINARY SURGERY CENTER (OHLONE VETERINARY EMERGENCY) AT 5600 JOHN MUIR DRIVE

WHEREAS, Ohlone Veterinary Emergency has filed with the Planning Commission of the City of Newark application for a review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center at 5600 John Muir Drive; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit B, pages 1 through 4, subject to compliance with the following conditions:

Planning Division

- a. This project shall be subject to the conditions of Planning Commission Resolution No. 1839 unless otherwise amended herein.

Engineering Division

- b. The property owner shall submit a detailed grading and drainage plan for review and approval by the City Engineer to clearly show the drainage pattern of the project area in the immediate vicinity and surrounding the new building additions. The plan must be prepared by a licensed civil engineer or land surveyor and be based upon a City benchmark. The drainage plan must include pad and finish floor elevations of the proposed building additions and proposed on-site grades in the immediate vicinity and surrounding areas within the parking lot. All on-site pavement shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by the tenant improvements. Any construction necessary to ensure this shall be the property owner's responsibility.
- c. The property owner shall implement all required site design measures as stated in Section C.3.i of the Municipal Regional Stormwater National Pollutant Elimination System (NPDES) Permit (MRP) issued to the City of Newark by the Regional Water Quality Control Board.

- d. All applicable Best Management Practices from the California Stormwater Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize stormwater pollution to the satisfaction of the City Engineer. A note regarding this requirement shall be placed on the site plan prior to the issuance of a building permit.

Landscape-Parks Division

- e. The applicant shall comply with all Landscape-Parks Division conditions under Planning Commission Resolution No. 1839.

General

- f. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.
- g. If any condition of this review of a conditional use permit and planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this review of a conditional use permit and planned unit development shall terminate and be of no force and effect, at the election of the City Council on motion.
- h. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.
- i. The developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- j. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's June 24, 2014 meeting by Vice-Chairperson Hannon, seconded by Commissioner Drews, and passed as follows:

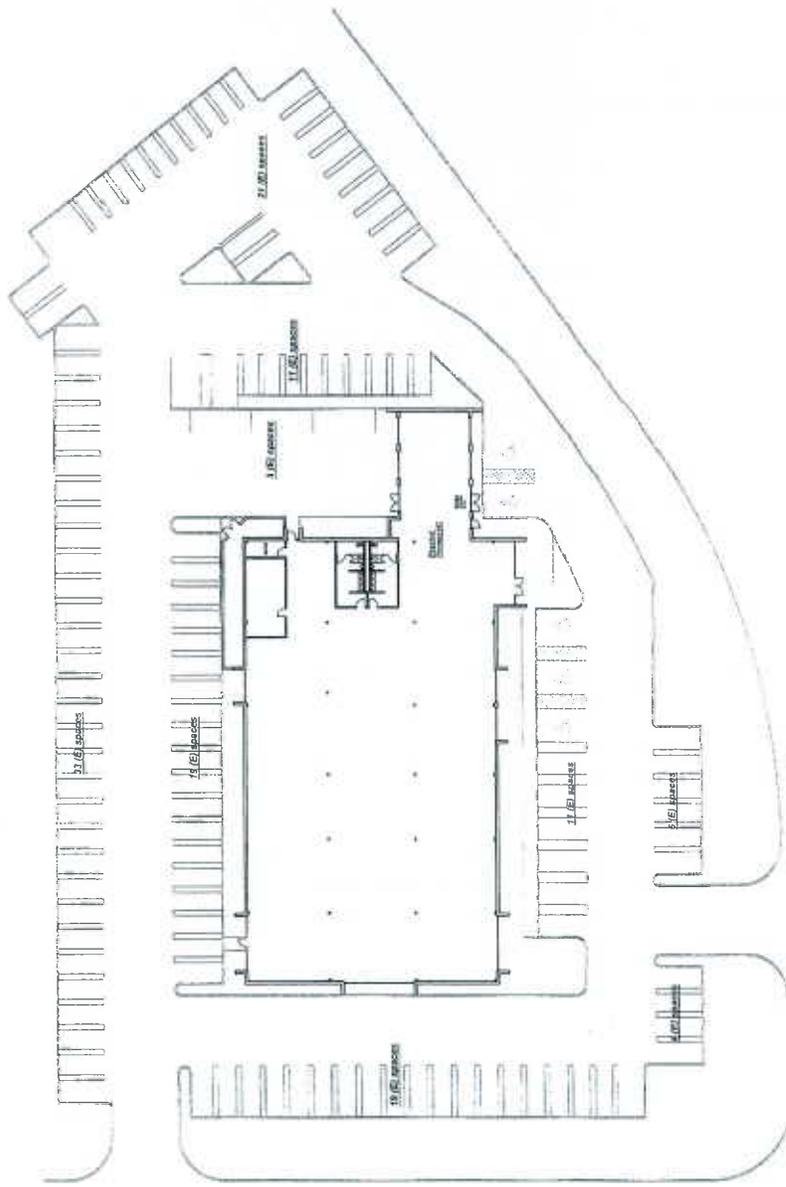
AYES: Aguilar, Drews, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Bridges.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson



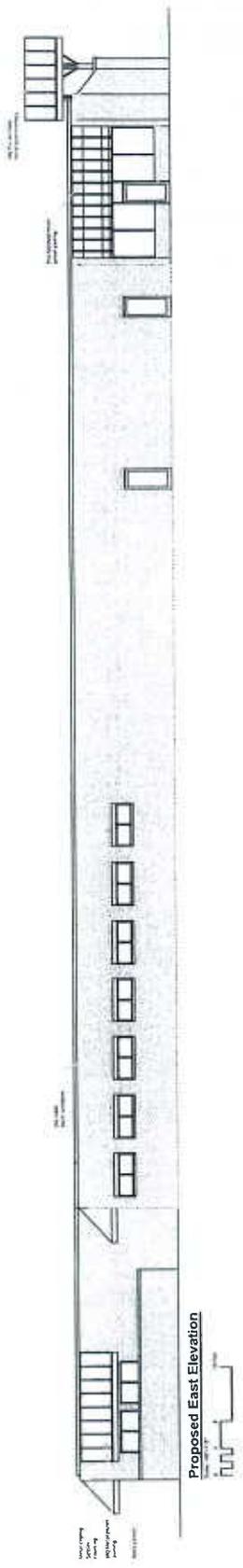
Existing Site Plan



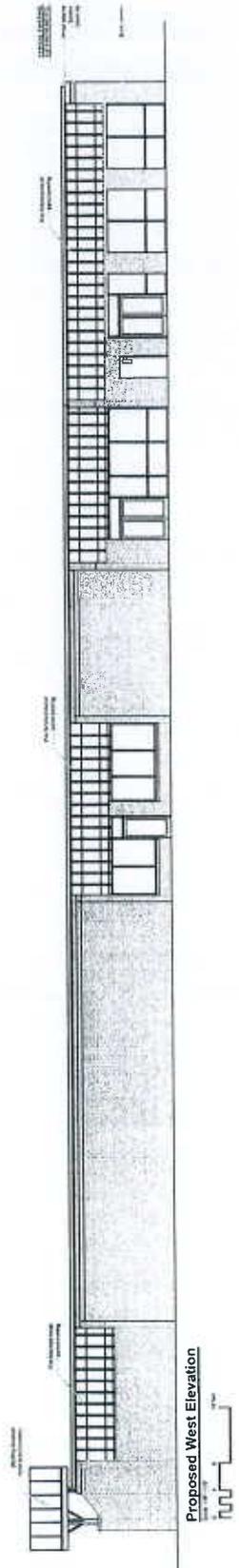
EXHIBIT Bpl

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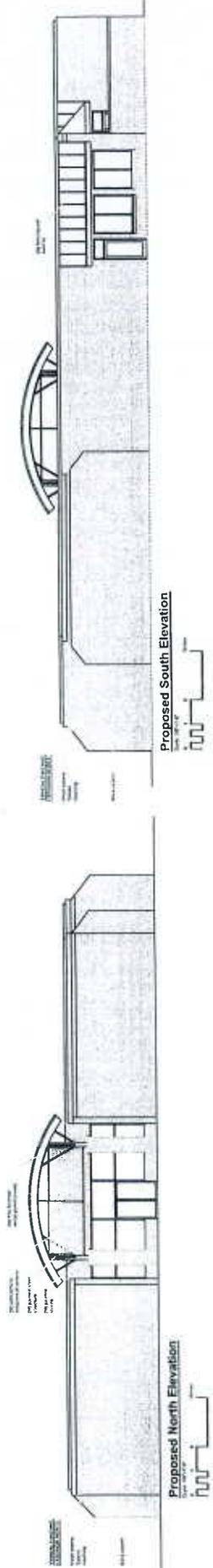




Proposed East Elevation



Proposed West Elevation



Proposed South Elevation

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Schematic Design
Ohlone Veterinary Emergency & Advanced Specialty Care
 Newark, California
 May 12, 2014

B.p.4

E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set July 10, 2014, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 11. This district provides for the maintenance of landscaped medians on Edgewater Drive and Parkshore Drive within the Lake Area.

The total assessment for this district as provided in the Engineer’s Report is \$24,800 for the 2014-2015 fiscal year. There are a total of 1,127 properties within this district. The assessment per property is \$22, which is the same amount charged per property last year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 11 for the 2014-2015 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING DIAGRAM AND ASSESSMENT
AND LEVYING ASSESSMENT FOR FISCAL YEAR 2014-2015

ASSESSMENT DISTRICT NO. 11

(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the City Engineer, Engineer of Work for Assessment District No. 11, to prepare and file an annual report for Fiscal Year 2014-2015.
2. The Engineer of Work filed the annual report on June 12, 2014, and the City Council adopted its resolution of intention to levy and collect assessments within the Landscaping and Lighting District for Fiscal Year 2014-2015 and set a public hearing to be held on July 10, 2014, in the meeting place of the City Council, 37101 Newark Boulevard, Newark, California, 94560. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for Fiscal Year 2014-2015.

E.2 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set July 10, 2014, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 13. This district provides for the maintenance of landscaping within portions of the Citation Homes and Bren developments located on Thornton Avenue near Willow Street. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

Since this district performs its own maintenance of frontage landscaping, all property owners in this district will receive a “zero” assessment for 2014-2015.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 13 for the 2014-2015 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING DIAGRAM AND ASSESSMENT
AND LEVYING ASSESSMENT FOR FISCAL YEAR 2014-2015

ASSESSMENT DISTRICT NO. 13

(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the City Engineer, Engineer of Work for Assessment District No. 13, to prepare and file an annual report for Fiscal Year 2014-2015.
2. The Engineer of Work filed the annual report on June 12, 2014, and the City Council adopted its resolution of intention to levy and collect assessments within the Landscaping and Lighting District for Fiscal Year 2014-2015 and set a public hearing to be held on July 10, 2014, in the meeting place of the City Council, 37101 Newark Boulevard, Newark, California, 94560. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for Fiscal Year 2014-2015.

E.3 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set July 10, 2014, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 15. This district provides for the maintenance of landscaping along Robertson Avenue at Iris Court. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$5,046 for the 2014-2015 fiscal year. The assessment per property is \$174.00.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 15 for the 2014-2015 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING DIAGRAM AND ASSESSMENT
AND LEVYING ASSESSMENT FOR FISCAL YEAR 2014-2015

ASSESSMENT DISTRICT NO. 15
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the City Engineer, Engineer of Work for Assessment District No. 15, to prepare and file an annual report for Fiscal Year 2014-2015.
2. The Engineer of Work filed the annual report on June 12, 2014, and the City Council adopted its resolution of intention to levy and collect assessments within the Landscaping and Lighting District for Fiscal Year 2014-2015 and set a public hearing to be held on July 10, 2014, in the meeting place of the City Council, 37101 Newark Boulevard, Newark, California, 94560. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for Fiscal Year 2014-2015.

E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set July 10, 2014, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 16. This district provides for the maintenance of landscaping for Tract 6671 on Jarvis Avenue at Kiote Drive. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$19,900 for the 2014-2015 fiscal year. The assessment per property is \$210.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 16 for the 2014-2015 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING DIAGRAM AND ASSESSMENT
AND LEVYING ASSESSMENT FOR FISCAL YEAR 2014-2015

ASSESSMENT DISTRICT NO. 16
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the City Engineer, Engineer of Work for Assessment District No. 16, to prepare and file an annual report for Fiscal Year 2014-2015.
2. The Engineer of Work filed the annual report on June 12, 2014, and the City Council adopted its resolution of intention to levy and collect assessments within the Landscaping and Lighting District for Fiscal Year 2014-2015 and set a public hearing to be held on July 10, 2014, in the meeting place of the City Council, 37101 Newark Boulevard, Newark, California, 94560. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for Fiscal Year 2014-2015.

E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17 – from Senior Civil Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set July 10, 2014, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 17. This district provides for the maintenance of landscaping for Tract 7004 on Newark Boulevard and Mayhews Landing Road. An annual public hearing is necessary to adopt the Engineer's Report to provide funds for this district.

The total assessment for this district as provided in the Engineer's Report is \$6,237 for the 2014-2015 fiscal year. The assessment per property is \$189.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 17 for the 2014-2015 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING DIAGRAM AND ASSESSMENT
AND LEVYING ASSESSMENT FOR FISCAL YEAR 2014-2015

ASSESSMENT DISTRICT NO. 17

(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the City Engineer, Engineer of Work for Assessment District No. 17, to prepare and file an annual report for Fiscal Year 2014-2015.
2. The Engineer of Work filed the annual report on June 12, 2014, and the City Council adopted its resolution of intention to levy and collect assessments within the Landscaping and Lighting District for Fiscal Year 2014-2015 and set a public hearing to be held on July 10, 2014, in the meeting place of the City Council, 37101 Newark Boulevard, Newark, California, 94560. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for Fiscal Year 2014-2015.

F.1 Acceptance of work with ALB, Inc. for Citywide Park Pathways Resurfacing For ADA Access, Project 1055 – from Associate Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On February 13, 2014, the City Council awarded a contract to ALB, Inc. for Citywide Park Pathways Resurfacing for ADA Access, Project 1055. This project improved accessibility for disabled persons and all park users in various City parks with the repair and resurfacing of existing asphalt concrete pathways.

This project was completed on time and within the original budget using the Community Development Block Grant Program and Capital Funds.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with ALB, Inc. for Citywide Park Pathways Resurfacing for ADA Access, Project 1055.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ACCEPTING THE WORK WITH ALB, INC. FOR
CITYWIDE PARK PATHWAYS RESURFACING FOR ADA
ACCESS, PROJECT 1055

WHEREAS, the City of Newark has entered into a contract with ALB, Inc., pursuant to Resolution No. 10167, for Citywide Park Pathways Resurfacing For ADA Access, Project 1055, in the City of Newark, 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 contract hereinabove referred to and the conditions thereof;

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

F.2 Approval of plans and specifications, approval of bid withdrawal request from Graham Contractors, Inc., and acceptance of bid and award of contract to VSS International, Inc. for 2014 Street Microsurfacing Program, Project 1064 – from Associate Civil Engineer Tran. (MOTIONS-2)(RESOLUTION)

Background/Discussion – This project scope of work includes microsurfacing application of sand, aggregate, and asphalt emulsion mixture and pavement re-striping on various City streets. Bids for the project were opened on June 24, 2014 with the following results:

Bidder	Amount
Graham Contractors, Inc.	\$ 181,304.25
VSS International, Inc.	226,225.00
Bond Blacktop, Inc.	230,996.75
American Asphalt Repair and Resurfacing Company, Inc.	694,956.35
Engineer's Estimate	\$ 230,000.00

The initial apparent low bidder, Graham Contractors, Inc., submitted a written request to have its submitted bid withdrawn due to a clerical error that made a material difference in the base bid total. This request was made in accordance with the Public Contract Code. Based on the value of the bid compared with that of the other bidders, as well as the nature of the error, staff concurs that a clerical error was made and recommends that the bid withdrawal request be approved.

Staff further recommends that this project be awarded to the second lowest responsive bidder, VSS International, Inc.

The 2012-2014 Biennial Budget includes funding for this project in Fiscal Year 2013-2014. This project will be funded through Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

Attachment

Action – It is recommended that the City Council, by motion, approve the plans and specifications, by motion, approve the bid withdrawal request form Graham Contractors, Inc., and by resolution, accept the bid and award the contract to VSS International, Inc. for 2014 Street Microsurfacing Program, Project 1064.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ACCEPTING THE BID AND AWARDING THE
CONTRACT TO VSS INTERNATIONAL, INC. FOR 2014
STREET MICROSURFACING PROGRAM, PROJECT 1064

WHEREAS, bids were opened and publicly declared on June 24, 2014, for the 2014 Street Microsurfacing Program, Project 1064; and

WHEREAS, the apparent low bidder at the time of bid opening, Graham Contractors, Inc., subsequently submitted sufficient evidence to show that its apparent low bid contained a clerical error and a request from said bidder to withdraw the bid was approved;

NOW, THEREFORE, BE RESOLVED that the City Council of the City of Newark does hereby find that VSS International, Inc., was the lowest responsible bidder as determined based on the Total Base Bid for 2014 Street Microsurfacing Program, Project 1064, in the City of Newark;

BE IT FURTHER RESOLVED that the City Council does hereby accept said bid of said company and does hereby authorize the Mayor of the City of Newark to sign an agreement with said company for the construction of 2014 Street Microsurfacing Program, Project 1064, according to the plans, specifications, and terms of said bid.

F.3 Authorization for the Mayor to sign Task Order No. 7 to the Joint Powers Agreement with the City of Fremont for Paratransit Services – 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. Funding for Newark Paratransit services is provided through Measure B sales tax and administered through the Alameda County Transportation Committee.

The size and scope of Fremont’s program provides Newark residents with expanded service from what was provided in the past. The following table provides a summary of services to be provided through the City of Fremont under a contract for services with MV Transportation:

FY14/15 Service Parameters	Proposed Fremont/Newark Paratransit
Service Hours	Monday – Friday, 8 am – 6 pm *Saturday and Sunday, 9 am – 3 pm *limited Sat./Sun. service within Newark
Service Area	All of Fremont, Newark and Union City.
Fares	\$2.50 per one-way trip within Newark, Fremont and Union City
Reservation Hours	Monday – Friday, 8 am – 5 pm Centralized reservations and dispatch with our contracted service provider that ensures that riders can reach a live person to make reservations and to check on the status of a ride (weekdays and weekends).
Enrollment processing time	On the same day of receipt of application. Expedited access to transportation can also be arranged on the same day or the next day as scheduling capacity allows.

In addition to the expanded paratransit service, Newark residents benefit from the high level of service coordination and customer service provided by the City of Fremont’s paratransit services team. City of Fremont staff ensure that elderly and disabled residents have expedited access to transportation services (applications can be processed within hours and urgent need transportation can be scheduled on the next day and sometimes even on the same day). Paratransit enrollment packets are sent out within a day or two of receipt of a completed application.

The City has contracted for paratransit services with the City of Fremont since September 1, 2013. For fiscal year 2014-2015, staff is recommending funding in the amount of \$145,000.

City staff and the City Attorney have reviewed Task Order No. 7 to the joint powers agreement and recommend that it be approved.

Attachment

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

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE MAYOR TO SIGN TASK
ORDER NO. 7 TO THE JOINT POWERS AGREEMENT WITH
THE CITY OF FREMONT FOR NEWARK PARATRANSIT
SERVICES

WHEREAS, the City entered into an agreement entitled Joint Powers Agreement between the City of Newark and the City of Fremont on August 17, 2009; and

WHEREAS, the City of Fremont agreed to perform services in accordance with the Task Orders issued by the City of Newark; and

WHEREAS, the City of Newark wishes to request paratransit services for the 2014-2015 program year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Mayor of the City of Newark be and is hereby authorized to sign Task Order No. 7 to the Joint Powers Agreement with the City of Fremont for paratransit services, said agreement on file in the Office of the City Clerk.

**TASK ORDER NO. 7 TO JOINT POWERS AGREEMENT BETWEEN
THE CITY OF NEWARK AND THE CITY OF FREMONT
(PARATRANSIT SERVICES FY 2014/15)**

This Task Order No. 7 ("Task Order") is made and entered into by and between the City of Newark, a municipal corporation ("Newark"), and the City of Fremont, a municipal corporation ("Fremont").

RECITAL

A. Newark and Fremont entered into an agreement entitled Joint Powers Agreement between the City of Newark and the City of Fremont ("Agreement"), by which Fremont agreed to perform services in accordance with Task Orders issued by Newark.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. INCORPORATION BY REFERENCE.** This Task Order hereby incorporates by reference all terms and conditions set forth in the Agreement.
- 2. SCOPE OF TASK ORDER.** Fremont shall perform the services described in Exhibit "A," attached hereto and incorporated herein by reference, in accordance with the terms and conditions of the Agreement.
- 3. PAYMENT.** For services performed by Fremont in accordance with this Task Order, Newark will compensate Fremont in accordance with the terms and conditions of the Agreement, in an amount not to exceed \$145,000 (one hundred and forty-five thousand dollars), as described in Exhibit "B," attached hereto and incorporated by reference.
- 4. SIGNATURES.** The individuals executing this Task Order represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Task Order on behalf of the respective legal entities of the Newark and Fremont.

IN WITNESS WHEREOF, the Newark and Fremont do hereby agree to the full performance of the terms set forth herein.

CITY OF FREMONT

Signature: _____

By: Mark Dana

Title: Assistant City Manager

Date: _____

CITY OF NEWARK

Signature: _____

By: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

Signature: _____

By: Nellie Ancel

Title: Senior Deputy City Attorney

APPROVED AS TO FORM:

Signature: _____

By: David Benoun

Title: City Attorney

EXHIBIT A TO TASK ORDER NO. 7
SCOPE OF SERVICES
Paratransit Services for FY 2014-2015

1. GENERAL DESCRIPTION

To provide door-to-door, shared-ride transportation services 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. Services will be provided from July 1, 2014 through June 30, 2015.

2. PERSONNEL

- a. Personnel working on this program will include members of the City of Fremont's paratransit services team. The Fremont paratransit team consists of a Program Manager, Program Coordinator, Office Support Specialist and Public Services Assistant.
- b. The City of Fremont has contracted with MV Transportation to provide paratransit services for the specified period.

3. SERVICE REQUIREMENTS

a. Paratransit Program Parameters:

- (1) Paratransit rides will be offered during the following hours:
Monday – Friday, 8 am – 6 pm
Saturday and Sunday (limited service access), 9 am – 3 pm
No services will be provided on the following holidays:
New Year's Eve, New Year's Day, Martin Luther King Day,
Presidents Day, Memorial Day, Independence Day, Labor Day,
Veterans Day, Thanksgiving Day, Day following Thanksgiving,
Christmas Eve, Christmas Day.
- (2) Rides will be provided within Fremont, Newark and Union City.
- (3) Fares: \$2.50 per one-way trip within Newark, Fremont and Union City (fares to be paid with a pre-paid paratransit voucher)

- (4) Reservations:
Ride reservations will be taken: Monday – Friday, 8 am – 5 pm
Reservations are taken up to 7 days in advance. Rides are reserved on a first call, first served basis and are subject to vehicle space availability. Reservations and dispatch are provided through MV Transportation during the hours specified above. Standing order requests are processed and approved by the City's Paratransit Services team.

b. Services to be provided by the Paratransit Services Team include:

(1) Paratransit Eligibility Screening & Program Enrollment

Staff will review paratransit applications, determine eligibility and enroll eligible individuals for paratransit services. A Paratransit Rider's Guide will be provided to each enrolled participant. Pre-paid paratransit vouchers books will be sold to program participants who are unable to purchase vouchers directly from the Newark Senior Center or Silliman Center.

(2) Consumer Education and Service Coordination

Staff will provide one-on-one assistance to program participants who are experiencing difficulties in accessing or using the paratransit service.

(3) Program Monitoring

Fremont's Program Manager will be responsible for the ongoing monitoring and evaluation of paratransit service operations. Staff from Fremont and Newark will meet quarterly to evaluate program and make adjustments as necessary to service operations.

(4) Service Documentation and Monthly Invoicing

Documentation of paratransit services provided to each client will be kept in a manner consistent with the City of Fremont's existing practice. Service statistics will be maintained and submitted to City of Newark staff on a monthly basis, and as otherwise requested. The City of Newark will be responsible for all required reporting to the Alameda County Transportation Commission.

Fremont's Program Manager will submit a monthly invoice to the City of Newark for paratransit services provided. Monthly invoice will include the City of Fremont's administrative fee and reimbursement for the paratransit services provided to Newark residents through the City's contract with MV Transportation.

**EXHIBIT B TO TASK ORDER NO. 7
BUDGET
Paratransit Services for FY 2014-2015**

FY 2014-2015 Budget:

Paratransit Services (through contract with MV Transportation)	\$125,000
City Administrative Fee	\$20,000
<hr/>	
TOTAL BUDGET	\$145,000

The City of Newark will reimburse the City of Fremont for service provision and administrative costs associated with the Paratransit Program. The City of Fremont shall submit an invoice to Newark within twenty (20) days after the end of each service month. Newark shall make payments to Fremont within thirty (30) days of receipt of an invoice. Monthly invoicing to Newark will be broken down as follows:

- **Cost per trip billing for all one-way trips provided to Newark residents:**
Total monthly charge for door-to-door paratransit services (based on each invoice received from MV transportation) divided by the total number of one-way trips provided and multiplied by the number of one-way trips provided to Newark residents.
- **The administrative fee will be billed at a monthly rate of \$1,666.67.**
- **Any fares collected for Newark residents will be deducted from the monthly invoice.**

I.1 Designation of a voting delegate and alternate(s) for the Annual Business Meeting of the League of California Cities' Annual Conference – from City Clerk Harrington. (MOTION)

Background/Discussion – The League of California Cities' Annual Conference will be held from Wednesday, September 3 through Friday, September 5, 2014, in Los Angeles at the Los Angeles Convention Center. The Annual Business Meeting will be held on September 5 beginning at noon. At this meeting the League membership considers and takes action on resolutions that establish League policy. The League has requested that the City Council designate a voting delegate and up to two alternates for the Annual Business Meeting. If none of the City Council Members are planning on attending the conference, then no action is necessary.

Attachment

Action - It is recommended that the City Council, by motion, designate a voting delegate and up to two alternates for the Annual Business Meeting of the League of California Cities' Annual Conference.



Council Action Advised by July 31, 2014

May 1, 2014

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 3 - 5, Los Angeles**

The League's 2014 Annual Conference is scheduled for September 3 - 5 in Los Angeles. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 5, at the Los Angeles Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 15, 2014. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Los Angeles Convention Center, will be open at the following times: Wednesday, September 3, 9:00 a.m. – 5:30 p.m.; Thursday, September 4, 7:00 a.m. – 4:00 p.m.; and Friday, September 5, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 15. If you have questions, please call Karen Durham at (916) 658-8262.

Attachments:

- 2014 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2014 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2014 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, August 15, 2014. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 15, 2014

League of California Cities
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Sacramento, CA 95814

FAX: (916) 658-8220
E-mail: kdurham@cacities.org
(916) 658-8262

M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun and Assistant City Manager Grindall.

Background/Discussion – City Attorney Benoun has requested that the Council convene in closed session pursuant to Government Code Section 54956.9(a) Anticipated Litigation.

M.2 Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City of Newark et al., Alameda County Superior Court Case No. RG10530015 – from City Attorney Benoun and Assistant City Manager Grindall.

Background/Discussion – City Attorney Benoun has requested that the Council convene in closed session pursuant to Government Code Section 54956.9(d)(1), Existing Litigation.

M.3 Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City Council of the City of Newark et al., Alameda County Superior Court Case No. RG14709701 – from City Attorney Benoun and Assistant City Manager Grindall.

Background/Discussion – City Attorney Benoun has requested that the Council convene in closed session pursuant to Government Code Section 54956.9(d)(1), Existing Litigation.