



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, June 13, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager

Michael Carroll
Police Chief

Soren Fajeau
Public Works Director

David Zehnder
Recreation and Community
Services Director

Sandy Abe
Human Resources Director

Kristopher J. Kokotaylo
Interim City Attorney

Krysten Lee
Finance Manager

Arturo Interiano
Acting Community Dev. Dir.

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:

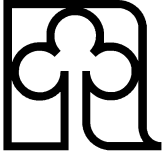
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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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Thursday, June 13, 2019

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of May 23, 2019. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Administrative Support Specialist II Melanie Cabeceira and Senior Administrative Support Specialist Franklin Lee recently joined the Public Works Department. They will each be introduced at the City Council meeting.

C.2 Proclaiming June as Elder Abuse Awareness Month. (PROCLAMATION)

Background/Discussion – June is Elder Abuse Awareness Month. Members of the Alameda County Adult Protective Services Agency and the District Attorney's office will accept the proclamation at the City Council meeting.

C.3 Commending Lieutenants David and Sharon Kim of the Salvation Army Tri-Cities Corps. (COMMENDATION)

Background/Discussion – Lieutenants David and Sharon Kim will be transferred to the Salvation Army Divisional Headquarters in San Francisco, effective June 24, 2019. A commendation has been prepared to honor their four years of service to the Tri-Cities Corps.

C.4 Presentation by the Farmers and Farmerettes Square Dance Club. (PRESENTATION)

Background/Discussion – The Farmers and Farmerettes Square Dance Club is a Newark-based group that does exhibition and entertainment square dancing and is also involved with local charities. Don Baker and representatives from the Farmers and Farmerettes will be at the City Council meeting to present a contribution to the Newark Betterment Corporation.

D. WRITTEN COMMUNICATIONS**E. PUBLIC HEARINGS****E.1 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2019-2020 – from Finance Manager Lee. (RESOLUTION)**

Background/Discussion – The City’s Master Fee Schedule (MFS) is reviewed annually. The proposed MFS for Fiscal Year 2019-2020 is based on an analysis of both direct and indirect costs for the delivery of certain City programs and services. Market factors were also considered in establishing the proposed fees. The proposed MFS is the result of input from all City departments.

A summary of the proposed changes is attached to this report. These changes include the addition of fees for the soon-to-be constructed all weather turf fields. The rental fees range between \$65 to \$110 per hour, depending upon whether it is rented during the day or at night and resident versus nonresident rate. If approved, the changes would be effective beginning July 1, 2019.

As a result of a December 22, 2005, California Supreme Court case (Barratt-American, Inc. vs. City of Rancho Cucamonga), the reenactment of previously existing fees without change nullifies the applicable statute of limitations and, thus, reopens those fees to legal challenge. It is recommended that the Council amend only those sections of the Master Fee Schedule that staff is suggesting be changed. The sections adopted, deleted, or amended by Council will then be editorially merged with the unchanged portions of the Master Fee Schedule as last amended by the City Council in Resolution No. 10,786 on June 14, 2018.

Attachments - Summary of Proposed Changes, Resolution

Action – Staff recommends that the City Council, by resolution, amend the Master Fee Schedule for Fiscal Year 2019-2020.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.6 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT**F.1 Approval of a sign permit for Cedar Neighborhood Church to place a 13 foot tall cross at 38325 Cedar Boulevard – from Acting Community**

Development Director Interiano.**(RESOLUTION)**

Background/Discussion – Cedar Neighborhood Church is requesting a sign permit to place a 13 foot tall cross on their property at 38325 Cedar Boulevard, specifically at the corner of Smith Avenue and Cedar Boulevard.

The applicant originally received a Conditional Use Permit (Resolution No. 645) to build a church in 1975, which was then named Trinity Christian Center of the Assemblies of God of Newark. In 1987, the City approved an amendment to the CUP (Resolution No. 1103) to expand the principal building and add a classroom. The church is now known as Cedar Neighborhood Church. The applicant is requesting to place a 13 foot tall cross in a landscaped area located near the corner of Smith Avenue and Cedar Boulevard.

The proposed cross is considered a sign under the Zoning Ordinance. Per the 1987 CUP conditions of approval, any proposed sign must be reviewed by the Planning Commission and City Council. The proposed sign does not cause any visibility issues at the corner of Cedar Boulevard and Smith Avenue and does not appear to be intrusive or out of character with the area. A site plan and elevation of the sign is attached. The proposed sign is not considered a “project” under the CEQA regulations and therefore this action is exempt from CEQA.

Staff recommends approval of the proposed sign at 38325 Cedar Boulevard.

Update – The Planning Commission unanimously approved this item on May 14, 2019.

Attachments – Resolution, Site Plan, and Elevation

Action – Staff recommends that the City Council, by resolution, approve a sign permit to allow a 13 foot tall sign in the front area of 38325 Cedar Boulevard, located in the RS-6000 Zoning District.

- F.2 Authorization and direction for the City Manager to enter into a parking lease agreement with the Portuguese Fraternal Society of America Council 16 for temporary parking at the Newark Pavilion during the construction of the New Civic Center, Project 1188, and amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2019-2020 – from Chief Building Official/City Architect Collier.**

(RESOLUTION)

Background/Discussion – The City recently entered into an agreement with a design-build entity, Webcor Builders, for the construction of the New Civic Center, Project 1188. Construction is expected to commence on or about September 1, 2019, with construction staging on the site potentially starting in advance of that date. Once construction is underway, parking within the existing Civic Center parking lot will be

significantly reduced. There will be a need to relocate parking for approximately 100 City and County employee vehicles to a nearby off-site facility. Staff evaluated a variety of parking options and determined that the Newark Pavilion parking lot at 6430 Thornton Avenue is the City's best option for temporary employee parking based on site proximity, parking capacity, and the projected cost.

The Portuguese Fraternal Society of America Council 16 (Newark Pavilion) has offered to lease 100 parking spaces to the City at a cost of \$3.00 per day per parking space, Monday through Friday for the duration of the lease. The lease period would commence on August 5, 2019, and end on June 30, 2021, for a total of 498 parking days. Based on this time period, the total cost of the lease is estimated to be \$149,400. It is recommended that the City Manager be authorized and directed to enter into a parking lease agreement with the Newark Pavilion for this anticipated lease period. It is further recommended that the City Manager be authorized to approve an extension of the lease agreement by up to 60 parking days in the event that the need for temporary parking exceeds the projected 498 parking days, and also authorized to approve an increase to the number of spaces utilized by up to 20 should such an increase be determined to be necessary.

Parking for City Hall customers as well as Newark Library and Civic Center Park users will also be significantly impacted during construction. Modifications will be made to the south side of Civic Terrace Avenue to provide parking on the street for Civic Center patrons. These new spaces will be posted with a two-hour limit and enforced appropriately. Newark Library staff is aware of the parking constraints during the construction period and they are developing plans to modify their programming accordingly. City staff is also coordinating with Webcor Builders to ensure that accessible parking needs for City Hall are provided.

The existing secured parking lot off of Civic Terrace Avenue will remain available during construction for the exclusive use of the Police Department until the new Police Department building and secured parking lot with access to Thornton Avenue have been completed.

It is recommended that Capital Improvement Fund Reserves be utilized to fund the proposed parking lease agreement with a \$150,000 adjustment to the Project 1188 budget for Fiscal Year 2019-2020.

Attachment – Resolution; Agreement

Action - Staff recommends that the City Council, by resolution, authorize and direct the City Manager to enter into a parking lease agreement with the Portuguese Fraternal Society of America Council 16 for temporary parking at the Newark Pavilion during construction of the New Civic Center, Project 1188, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2019-2020.

F.3 Authorization for the City Manager to execute a Lease Agreement with Child, Family, and Community Services, Inc. for use of the Jerry Raber Newark Ash Street Park Building #2 for the operation of a Head Start Preschool Program – from City Manager Benoun. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #2 by the Child, Family, and Community Services, Inc. expired on June 7, 2019. Child, Family, and Community Services, Inc. wishes to enter into a new one-year Agreement for this upcoming school year. A new Lease Agreement has been prepared, the conditions of which remain substantively the same as in the past. A share of the utility cost will be paid on a bi-annual basis. The Center provides a valuable service to the community and staff recommends that the City Council authorize a new lease for an additional school year, commencing August 16, 2019 through June 5, 2020, at an annual rental fee of \$1 per year.

Attachment – Resolution, Lease Agreement

Action - Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Lease Agreement with Child, Family, and Community Services, Inc. for use of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool Program.

F.4 Authorization for the Mayor to execute the Fourth Amendment to the Lease Agreement with County of Alameda for reimbursement of janitorial and pest control services – from Maintenance Superintendent Connolly and Interim City Attorney Kokotaylo. (RESOLUTION)

Background/Discussion – In 2015, the City Council authorized the Mayor to sign a five year lease with County of Alameda for lease of the Newark library facility that is owned by the City. The lease obligates the City to provide janitorial services for the building, subject to reimbursement from the County.

The City's existing agreement with a new janitorial service provider contains an increase effective May 1, 2019. The janitorial company services the Library and the County reimburses City for said services.

City staff has consulted with County staff and the County has agreed to reimburse the City for the recent increase. Starting May 1, 2019, the County will pay the City \$5,573.60 per month for janitorial and pest control services.

The attached Fourth Amendment memorializes this understanding.

Attachments – Resolution, Fourth Amendment to Lease Agreement

Action – Staff recommends that the City Council, by resolution, authorize the Mayor to execute the Fourth Amendment to the Lease Agreement with the County of Alameda for reimbursement of janitorial and pest control services.

F.5 Authorization for the City Manager to execute an Agreement with Alameda County for Additional Library Services – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

Background/Discussion – The current Agreement for Additional Library Services expires on June 30, 2019. A new agreement has been prepared, the conditions of which remain essentially the same as last year. The County agrees to provide four additional open hours of library service each Sunday per week at the Newark Branch Library for a year. In exchange, the City agrees to pay the County approximately \$116,000, in four quarterly installments. The Library provides a valuable service to the community and staff recommends that the City Council authorize the City Manager to sign the agreement for an additional year, through June 30, 2020.

Attachments – Resolution, Agreement

Action – Staff recommends that the City Council, by resolution, authorize the City Manager to execute the Agreement with Alameda County for Additional Library Services.

F.6 Adoption of a Program for Managing Polychlorinated Biphenyls (PCBs) in Building Materials during Demolition and authorizing the City Manager to develop and implement regulations to enact the program – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – Polychlorinated Biphenyls (PCBs) have been detected in elevated levels in certain sport fish in San Francisco Bay (Bay). To make the fish safer to eat, PCB sources to the Bay need to be identified and controlled. Urban stormwater runoff is considered a significant pathway for PCBs into the Bay. As a result, regulatory agencies are requiring that Bay Area municipalities address sources of PCBs in stormwater runoff discharged to the Bay from municipal separate storm sewers systems (MS4s).

Water quality within the San Francisco Bay Region is regulated by the Regional Water Quality Control Board (Regional Water Board). The San Francisco Bay Region encompasses portions of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma Counties. One way that the Regional Water Board protects water bodies within the San Francisco Bay Region is to develop Total Maximum Daily Loads (TMDLs), which are programs to restore water quality in water bodies impaired by pollutants such as PCBs. Currently there is a TMDL established for PCBs in the Bay. To achieve the goals of the TMDL, a reduction in the

amount of inputs of PCBs to the Bay is required. The PCBs TMDL estimates that 20 kilograms per year (kg/year) of PCBs enters the Bay in stormwater runoff, and requires that this input be reduced to 2 kg/year by 2030, a 90% reduction.

In 2015, the Regional Water Board reissued the Municipal Regional Permit (MRP), Order No. R2-2015-0049, a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges of stormwater runoff from MS4s. The MRP includes provisions that implement the requirements in the PCBs TMDL to reduce discharges of PCBs in stormwater runoff to the Bay. These include Provision C.12.f., which requires Permittees to develop new programs to manage PCBs-containing building materials during demolition. Remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt. The MRP requires that these new programs are adopted and begin implementation by July 1, 2019.

This regulation targets selected priority building materials that may contain relatively high levels of PCBs, especially in buildings constructed or remodeled from January 1, 1950 to December 31, 1980. During demolition, these building materials and associated PCBs may be released to the environment and transported to the Bay by stormwater runoff. Based on the Bay Area Stormwater Management Agencies Association's (BASMAA) *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition, August 2018* (“BASMAA Protocol”), the priority building materials are caulking, thermal/fiberglass insulation, adhesive/mastic, and rubber window gaskets. To identify these materials, an initial literature review was conducted to identify the full list of known PCBs-containing building materials and reported PCBs concentrations. The materials were then prioritized by developing six factors that relate to the load or mass of PCBs associated with the materials, the likelihood of the material to get into stormwater during the demolition process, and the relative difficulty to remove the material from the building.

The City of Newark, like all jurisdictions subject to the MRP, is required to reduce PCBs discharges in stormwater runoff. This regulation targets priority building materials that may contain relatively high levels of PCBs, especially in buildings constructed between 1950 and 1980 as noted above. It is recommended that the priority building materials cited above are regulated during demolition to prevent the materials and associated PCBs from potentially being released to the environment and transported to the Bay by stormwater runoff.

This regulation requires an assessment process for PCBs in building materials. It requires that the City initially notifies demolition permit applicants about the new requirements to conduct a PCB in Priority Building Materials Screening Assessment. The PCBs in Priority Building Materials Screening Assessment is a two-step process used to determine whether: (1) the building proposed for demolition is high priority for PCBs-containing building materials based on the building age, use, and construction type; and (2) if so, demonstrating the presence or absence and concentration of PCBs in Priority Building Materials through existing information or representative sampling

and chemical analysis of the Priority Building Materials in the building. The first step of the PCBs in Priority Building Materials Screening Assessment determines whether or not the building is an “applicable structure” (structures built or remodeled from January 1, 1950 to December 1, 1980, with remodeling, partial building, wood framed structure, and single-family residence demolition projects being exempt). It is anticipated that many projects will not involve the demolition of applicable structures. Demolition permit applicants for projects that do not involve applicable structures will only need to address the initial screening questions and certify the answers.

Applicants for building demolition permits would be required to follow the directions provided in the PCBs in Priority Building Materials Screening Assessment Applicant Package (Applicant Package), which includes an overview of the process, applicant instructions, a process flow chart, a City of Newark PCB Screening Assessment Form, and the BASMAA Protocol. This Applicant Package is attached and provides the basic documentation needed for program implementation.

MRP Provision C.12.f states, “Permittees shall develop and implement or cause to be developed and implemented an effective protocol for managing materials with PCBs concentrations of 50 parts per million (ppm) or greater in applicable structures at the time such structures undergo demolition so that PCBs do not enter MS4s.” Per the Applicant Package, for certain types of buildings built between 1950 and 1980, the applicant must conduct further assessment to determine whether or not PCBs are present at concentrations ≥ 50 ppm. This determination is made via existing data on specific product formulations (if available), or more likely, via conducting representative sampling of the priority building materials and having the samples analyzed for PCBs at a certified analytical laboratory. Any representative sampling and analysis must be conducted in accordance with the BASMAA Protocol. The Applicant Package provides additional details.

When the PCBs in Priority Building Materials Screening Assessment identifies one or more Priority Building Materials with PCBs, the applicant must comply with all related applicable federal and state laws, including potential notification of the appropriate regulatory agencies, including EPA, the Regional Water Board, and/or the DTSC. Agency contacts are provided in the Applicant Package. Additional sampling for and abatement of PCBs may be required. Depending on the approach for sampling and removing building materials containing PCBs, the Applicant may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA). Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22 Section 66262. Additional information is provided in the Applicant Package.

The focus of this regulation is on PCBs runoff prevention to protect water quality. The regulation does not:

- Require City oversight or enforcement of human health protection standards.
- Require City oversight of PCBs abatement or remediation of materials or lands contaminated by PCBs.
- Establish remediation standards.

At all demolition sites, routine construction controls, including erosion and sediment controls, should also be implemented per the requirements of the MRP and the statewide Construction General Permit issued by the California State Water Resources Control Board. These routine construction requirements have been in place for many years.

Environmental Review

Adoption of the attached resolution is exempt from environmental review under California Environmental Quality Act (CEQA) exemption Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption provision applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment as discussed above. No unacceptable negative impacts have been identified.

Fiscal Impact

There would be limited fiscal impact to the City due to adoption of this proposed Program for Managing PCBs in Building Materials during Demolition. For projects that do not involve applicable structures, a limited amount of staff time will be required to provide application materials and to confirm that the application materials are completed prior to the issuance of a building demolition permit.

For projects that do involve demolition of an applicable structure, applicants will be required to screen priority building materials for PCBs and certify the results. Limited staff hours will be needed to review application materials to confirm that the applicant has submitted all of the required information and that the information appears to be consistent with the requirements of the program (i.e., review the application for completeness). The review would generally be limited to confirming that the PCBs in Priority Building Materials Screening Assessment was conducted per the instructions in the Applicant Package. This relatively low estimated level of effort is consistent with a self-certification approach, which requires the applicant to submit corroborating information with the application (i.e. contractor's report that includes a completed checklist and laboratory results when the screening includes sampling).

Should staff find that implementation of these regulations requires a greater level of effort than currently anticipated, staff will bring forward recommendations for modifications to the City's Master Fee Schedule.

Due to the requirements of this regulation, applicants for demolition permits for applicable structures, including public projects implemented by the City, would incur additional costs. Some applicants would only incur costs for screening priority building materials for PCBs and certifying the results. Other applicants would incur higher costs for conducting additional activities, especially when materials with PCBs concentrations ≥ 50 ppm are identified. The actual specific activities/resources required and associated costs will vary greatly depending on the project.

Attachments – Resolution; Applicant Package; Factsheet for Industry Stakeholders

Action – Staff recommends that the City Council, by resolution, adopt a Program for Managing Polychlorinated Biphenyls (PCBs) in Building Materials during Demolition and authorize the City Manager to develop and implement regulations to enact the program.

NONCONSENT

- F.7 Direction to Initiate Proceedings for the Levy and Collection of Assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18, and 19 for fiscal year 2019-2020 in accordance with the provisions of the Landscaping and Lighting Act of 1972 – from Public Works Director Fajeau. (RESOLUTION)**

Background/Discussion – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median islands and up to 50 feet of greenbelt

landscaping adjacent to Cherry Street and the interior loop streets within the boundaries of Stevenson Point Technology Park, the maintenance of landscaping across the Newark Unified School District property on Cherry Street, and the street lighting maintenance, trash capture device maintenance, and neighborhood park maintenance of Zone 2 - Sanctuary.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

Landscaping and Lighting District No. 18: Cedar Boulevard median on the frontage of Tract 8130 – The maintenance of landscaping and the landscape irrigation system within the Cedar Boulevard median area along the frontage of Tract 8130 between Central Avenue and Smith Avenue.

Landscaping and Lighting District No. 19: Willow Street and Enterprise Drive in the Bayside Newark Transit Oriented Development – Provides for the maintenance of landscaping and the landscape irrigation system within the Willow Street and Enterprise Drive medians and traffic circles, maintenance of public street lighting systems, and maintenance of other improvements in the Bayside Newark Transit Oriented Development.

There are no new proposed improvements or substantial changes to existing improvements other than the improvements cited in the formation of Zone 2 – Sanctuary of Landscaping and Lighting District No.4 and the annexation of Zone 5 – Bridgeway of Landscaping and Lighting District No. 19. These modifications to Landscaping and Lighting District Nos. 4 and 19 were made pursuant to the provisions of Landscaping and Lighting Act of 1972. The annual assessments for fiscal year 2019-2020 for all modifications as well as the respective Engineer’s Reports for each of these districts were previously approved by the City Council.

In accordance with the Landscaping and Lighting Act of 1972 and the Government Code, the City Council is required to conduct a public hearing regarding the levy of annual assessments for the upcoming fiscal year. The City must publish a hearing notice, accept the annual Engineer’s Reports for each district and conduct a public hearing. At subsequent meetings, the City Council will be asked to approve the completed engineer’s reports and to schedule a public hearing for the proposed annual assessments.

Attachment - Resolution

Action - Staff recommends that the City Council, by resolution, initiate proceedings for the levy and collection of assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18, and 19 for fiscal year 2019-2020 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

F.8 Selection of Dog Park Name from Citywide Dog Park Naming Contest submittals – from Recreation and Community Services Director Zehnder. (RESOLUTION)

Background/Discussion – During the March 22, 2018, City Council meeting, staff recommended approval of the Final Conceptual Plan for Newark’s first ever off-leash dog park to be located within Newark Community Park. The City Council unanimously approved the plan and in doing so, asked staff to hold a citywide naming contest for the dog park.

In response to the City Council request, Recreation and Community staff held a Citywide dog park naming contest from October 2018 through March 2019. The naming contest was very popular with over 120 creative dog-centric names submitted through the City's dog park web page. A panel of judges from the Recreation and Community Department reviewed all entries and are forwarding the following five dog park names for City Council's consideration and final determination:

- Newark Central Bark;
- Newark Canine Commons;
- Newark Community Dog Park;
- The Ruff Patch; and
- NewBark Dog Park.

After approval of the official name for the dog park, the contest winner(s) will be invited to attend a future Council meeting to be recognized and celebrated. Contest winner(s) will also be featured in a future edition of the Recreation and Community Services Department Activities Guide.

Attachment – Resolution

Action – Staff recommends that the City Council, by resolution, select a name from the Citywide Dog Park Naming Contest as the name of the Dog Park to be located at Newark Community Park.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Consideration of City Council's summer meeting recess during the month of August 2019 – from Mayor Nagy. (MOTION)(RESOLUTION)

Background/Discussion – Since 1994 the City Council has approved a summer meeting recess during the month of August. Mayor Nagy would like the City Council to consider a summer recess again this year during August.

The City Council may authorize the City Manager, or his designee, to approve any administrative matters that might occur during the month of August that cannot be deferred until September for City Council action. The general types of administrative matters that might require action are:

Acceptance of completion of work on City projects
Approval of agreements as needed for budgeted projects and services
Approval of plans and specifications
Award of contracts for budget projects
Denial of claims

The City Manager would report all such actions taken during the month of August to the City Council at the first regular meeting in September.

Attachment - Resolution

Action - It is recommended that the City Council, by motion, approve a City Council summer meeting recess during the month of August 2019 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

(MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.