



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 23, 2016

CITY COUNCIL:

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

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community
Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | 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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AGENDA

Thursday, June 23, 2016

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, June 9, 2016. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS

- D. WRITTEN COMMUNICATIONS

- E. PUBLIC HEARINGS
 - E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 1 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 1. This district includes properties which abut Central Avenue between Filbert Street and Willow Street and 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. Maintenance and operation of median street lights along this portion of Central Avenue are also included in this district. 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 \$42,100 for the 2016-2017 fiscal 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. 1 for the 2016-2017 fiscal year.

E.2 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 2 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 2. This district provides for the maintenance of median and in-tract buffer landscaping on Jarvis Avenue adjacent to and within the boundaries of Tract 5232, Dumbarton Technology Park, on Jarvis Avenue at Lido Boulevard, as well as the Newark Boulevard medians fronting the Raley’s and Safeway shopping centers. 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 \$27,000 for the 2016-2017 fiscal 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. 2 for the 2016-2017 fiscal year.

E.3 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 4 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 4. This district provides for the maintenance of median landscaping on Stevenson Boulevard from the Nimitz Freeway to Eureka Drive (west) and on Cherry Street between Stevenson Boulevard and the Sportsfield Park. 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 \$48,100 for the 2016-2017 fiscal 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. 4 for the 2016-2017 fiscal year.

E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 6 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 6. This district provides for the maintenance of median and greenbelt landscaping and the irrigation systems in the area formerly known as Redevelopment Area No. 2. The area is the property generally bounded by Balentine Drive, Cedar Boulevard, Stevenson Boulevard, and the Nimitz Freeway.

For many years all expenses for Landscaping and Lighting District No. 6 were paid out of the reserves deposited by the original developer and there has never been an assessment levied on any of the properties in the district. However, with approval of the Cedar Lane residential project (Tract 8166), and the submitted petition from the project developer to participate in the district, it is anticipated that there may be sufficient votes to levy an assessment for next fiscal year.

All property owners in this district will receive a “zero” assessment for 2016-2017.

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. 6 for the 2016-2017 fiscal year.

E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 7. This district provides for the maintenance of Rosemont Square Shopping Center buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas on Jarvis Avenue, Newark Boulevard, and Cedar Boulevard.

The total assessment for this district as provided in the Engineer’s Report is \$25,600 for the 2016-2017 fiscal 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. 7 for the 2016-2017 fiscal year.

E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, 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 2016-2017.

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 2016-2017 fiscal year.

E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, 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 2016-2017 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 2016-2017 fiscal year.

E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, 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 2016-2017 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 2016-2017 fiscal year.

E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, 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 \$6,200 for the 2016-2017 fiscal year. The assessment per property is \$188.

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 2016-2017 fiscal year.

E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 18 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 18. This district provides for the maintenance of landscaping in the medians in front of Tract 8130 on Cedar Boulevard between Central Avenue and Smith Avenue. 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 \$11,000 for the 2016-2017 fiscal year. The assessment per dwelling unit is approximately \$67.

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. 18 for the 2016-2017 fiscal year.

E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 10. This district is a consolidated district which includes miscellaneous developments at several locations. These locations and the work involved are as follows:

- 10a. The maintenance of Jarvis Avenue and Lido Boulevard median-island and street landscaping, and lighting adjacent to the boundaries of Tract 5318, Lexington Square.
- 10b. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on the north side of Central Avenue between the Nimitz Freeway and Timber Street.
- 10c. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Morton Avenue for Geomax.
- 10d. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Enterprise Court and Enterprise Drive for Parcel 1 of Tentative Parcel Map 5109.
- 10e. Maintenance of landscaping and the landscape irrigation system adjacent to Cedar Boulevard south of Mowry Avenue for Jiffy Lube.
- 10f. Maintenance of landscaping and the landscape irrigation system for the apartment complex at the intersection of Rich Avenue and Magnolia Street.
- 10g. Maintenance of landscaping and the landscape irrigation system within easement areas on Smith Avenue and Cedar Boulevard for the Cedar Boulevard Neighborhood Church.
- 10h. Maintenance of landscaping and the landscape irrigation system within easement areas for the parcel adjacent to Eucalyptus Grove Park.
- 10i. Maintenance of landscaping and the landscape irrigation system within easement areas and the public right-of-way on Cherry Street for Thoro Systems.

- 10j. Maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas for the King & Lyons development at Thornton Avenue and Willow Street.
- 10k. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue for Bay Mirror.
- 10l. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Cedar Boulevard near Moores Avenue for Empire Tractor.
- 10m. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue for the property at the northeast corner of Mowry Avenue and Cedar Boulevard.
- 10n. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and easement areas adjacent to the public right-of-way on Cedar Boulevard and Balentine Drive for TJ Maxx.
- 10o. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and the easement areas adjacent to the public right-of-way on Newark Boulevard and Cedar Boulevard for Lido Faire Shopping Center.
- 10p. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way on Sycamore Street for B.K. Mills.
- 10q. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street for the Moose Lodge.
- 10r. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue at the Southern Pacific railroad right-of-way for Leslie Salt Company.
- 10s. The maintenance of landscaping and the landscape irrigation system within landscape easement areas on Cedar Boulevard at Central Avenue for Parcel 1 of Parcel Map 4073.
- 10t. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard north of Lake Boulevard for Lot 5 of Tract 5361.

- 10u. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street south of Graham Avenue for Parcel 1 of Parcel Map 6178.
- 10v. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue west of Cherry Street for Parcel 4 of Parcel Map 1425.
- 10w. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard and Mowry Avenue for Parcels 1, 2, 3, and 6 of Parcel Map 3028.
- 10x. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the cul-de-sac of Enterprise Court at 37569 Enterprise Court.
- 10y. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street and Graham Avenue at 37088 Magnolia Street (formerly 6963 Graham Avenue).
- 10z. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the Thornton Avenue and Locust Street frontage of 37010 Locust Street.
- 10aa. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Hickory Street at 8610 Enterprise Drive.
- 10ac. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue and Sycamore Street at 7275 Thornton Avenue.
- 10ad. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at 6152 Thornton Avenue.
- 10ae. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard south of Mowry Avenue.
- 10af. The maintenance of landscaping, the landscape irrigation system, and the concrete block wall within the public right-of-way and adjacent easement areas on Mowry Avenue and Cedar Boulevard for the shopping center that includes 5789 Mowry Avenue.

- 10ag. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Hickory Street at 37137 Hickory Street.
- 10ah. The maintenance of median-island landscaping and lighting, and street frontage landscaping up to 30 feet in width along all streets within the boundaries of Bridgeway Technology Park on Fircrest Street.
- 10ai. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way along Dairy Avenue, Newark Boulevard, and Thornton Avenue for the Foxwood condominium project.
- 10aj. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Magnolia Street, Graham Avenue, and Sycamore Street for the Summerhill Apartments.
- 10ak. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Cherry Street and Dairy Avenue for the Summerhill Apartments.
- 10al. Maintenance of landscaping, landscape irrigation and lighting within the entire street right-of-way of Potrero Avenue; the easterly portion of Cherry Street, Buena Vista Drive and Parada Street contiguous to Tract 5869; and the easterly portion of Parada Street contiguous to Tract 5810; and the northerly portion of Stevenson Boulevard contiguous to Tract 5810, excluding the median islands within Cherry Street and Stevenson Boulevard.
- 10am. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Smith Avenue for the Oatey Company.
- 10an. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at Cedar Boulevard for Newark Square shopping center.
- 10ao. The maintenance and/or construction of landscaping and the irrigation system within the public right-of-way and adjacent easement areas on the Mowry School Road frontage of the property to the rear of Fremont Ford.
- 10ap. The construction and maintenance of landscaping and an irrigation system within the public right-of-way and adjacent easement areas on Morton Avenue for Morton Salt.
- 10aq. Construction and maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on the Cedar Boulevard frontage of the shopping center on the northwest corner of Newark Boulevard and Cedar Boulevard.

- 10ar. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue and on Clark Avenue for Matheson Gas.
- 10as. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue at 6565 Smith Avenue.
- 10at. The construction and/or maintenance of the Art in Public Places Element required in accordance with Newark City Council Resolution No. 5682 within the public right-of-way and/or adjacent easement areas on Parcels 1 and 2 of Tract 5343.
- 10au. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Newark Boulevard at 35193 Newark Boulevard.
- 10av. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard at 37300 Cedar Boulevard.
- 10aw. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Fircrest Street at Assessor's Parcel No. 537-460-12-3.
- 10ax. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Willow Street at 8400 Enterprise Drive.
- 10ay. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue and Cherry Street.
- 10az. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Balentine Drive at Parcel 1 of Parcel Map 6692.
- 10ba. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street north of Thornton Avenue.
- 10bb. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Jarvis Avenue and Newark Boulevard.
- 10bc. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street south of Robertson Avenue.

- 10bd. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Filbert Street and Central Avenue.
- 10be. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage on Balentine Drive.

Since this district is for properties responsible for their own maintenance, all property owners for all subdistricts in this district will receive a “zero” assessment for 2016-2017.

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. 10 for the 2016-2017 fiscal year.

E.12 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 23, 2016, 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 \$24,600 for the 2016-2017 fiscal year. There are a total of 1,127 properties within this district. The assessment per property is approximately \$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 2016-2017 fiscal year.

E.13 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2016-2017 – from Senior Administrative Analyst Leal. (RESOLUTION)

Background/Discussion – The City’s Master Fee Schedule (MFS) is reviewed annually. The proposed MFS for Fiscal Year 2016-2017 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.

The City Attorney has advised that 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. 10,384 on June 25, 2015.

Attachment

Action - It is recommended that the City Council, by resolution, amend the Master Fee Schedule for Fiscal Year 2016-2017.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.12 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 events within the public right-of-way, authorization to issue an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee), and provision of traffic control for the annual Holy Ghost Festival on July 23 and 24, 2016 – from Police Sergeant Hoppe and Assistant Engineer Carmen. (MOTION)**

Background/Discussion – The Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) has requested that the City approve and provide traffic control for two events associated with the 2016 Holy Ghost Festival:

- Small Parade, Saturday, July 23, from 1:00 p.m. – 3:00 p.m. The parade will exit the Newark Pavilion onto Cherry Street, to Plummer Avenue, to Galletta Drive, back to Plummer Avenue, to Cherry Street, and return to the Pavilion.
- Traditional Annual Parade, Sunday, July 24, from 10:45 a.m. – 2:30 p.m. The parade will exit the Newark Pavilion onto Thornton Avenue, proceed to St. Edwards Church, and return to the Pavilion.

Issuance of an Encroachment Permit is necessary for these events to be held within the public street right-of-way. As a condition of issuance of this permit, Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) will conform to the City's insurance requirements and will deposit sufficient funds for the

cost of Police and Maintenance personnel and equipment to provide traffic control for these events.

Attachment - None

Action - It is recommended that the City Council, by motion, approve the events within the public right-of-way, authorize issuance of an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) organization, and provide traffic control for the annual Holy Ghost Festival on July 23 and 24, 2016.

F.2 Authorization for the City Manager to sign a Lease Agreement with Child, Family, and Community Services, Inc. for use of the Jerry Raber Newark Ash Street Park Building #2 for the Head Start Preschool Program – from City Manager Becker. (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 2, 2016. Child, Family, and Community Services, Inc. wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. A share of the utility cost will be paid on a bi-annual basis. The preschool program provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional year, through May 31, 2017, at an annual rental fee of \$1 per year.

Attachment

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

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 a food and clothing distribution center – from City Manager Becker. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #1 by the Viola Blythe Community Service Center of Newark is due to expire on June 30, 2016. Viola Blythe Community Service Center wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially 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 an

extension of the lease for an additional year, through June 30, 2017, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for lease of the Ash Street Park Building #1 for the operation of a food and clothing distribution center.

F.4 Approval of plans and specifications, acceptance of bid and award of contract to G. Bortolotto & Company, Inc. for 2016 Asphalt Concrete Street Overlay Program, Project 1116 – from Associate Civil Engineer Tran. (MOTION)(RESOLUTION)

Background/Discussion – This year’s maintenance overlay and patch paving projects are being combined into one project to result in better unit prices. The combined project scope of work includes localized patch paving, pavement grinding, surfacing paving, and re-striping on various City streets.

Patch paving consists of the removal and replacement of localized pavement failures. The project includes work on streets that will be resurfaced with slurry seal under a separate contract. It also includes streets where a failure is too severe to correct with a surface (skin) patch, but the entire street does not need structural upgrading with an asphalt overlay.

Asphalt overlays involve the placement of an additional layer of asphalt concrete on those streets showing a relatively uniform distress pattern over most of the pavement surface. This condition indicates that the pavement needs structural upgrading to accommodate current and future traffic loads. A structural upgrade will prevent complete failure of the street pavement and avoid the very expensive process of complete reconstruction. The increased structural strength extends the life of the streets at least ten years.

The streets on the asphalt overlay project include: Ashbourne Court, Crocus Court, Dugan Court, Fuschia Court, Mirabeau Drive between Cedar Boulevard and Haley Street, Mowry Avenue between South I-880 on-ramp and I-880 overpass, Quicksilver Avenue, Rubicon Avenue, and Tottenham Court.

Bids for the project were opened on June 7, 2016 with the following results:

Bidder	Amount
G. Bortolotto & Company, Inc.	\$ 826,111.11
O’Grady Paving, Inc.	875,372.00
Interstate Grading & Paving, Inc.	954,461.00
Engineer’s Estimate	\$ 802,000.00

The 2014-2016 Biennial Budget includes funding for this project in Fiscal Year 2015-2016. The streets maintenance portion of this project will be funded through Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

Staff recommends that this project be awarded to the lowest responsible bidder, G. Bortolotto & Company, Inc.

Attachment

Action – It is recommended that the City Council, by motion, approve the plans and specifications and by resolution, accept the bid and award the contract to G. Bortolotto & Company, Inc. for 2016 Asphalt Concrete Street Overlay Program, Project 1116.

F.5 Acceptance of work with R&R Pacific Construction, Inc. for the Service Center Concrete Pad Repair, Project 1125 – from Associate Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On April 14, 2016, the City of Newark awarded a contract to R&R Pacific Construction, Inc. for the Service Center Concrete Pad Repair, Project 1125. This project removed and replaced the existing broken concrete pad between the fuel pumps and the break room at the Service Center due to localized soil settlement encountered during this past rainy season.

This project was completed on time and within the original budget.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with R&R Pacific Construction, Inc. for the Service Center Concrete Pad Repair, Project 1125.

F.6 Approval of Investment Policy – from Senior Accountant Djurovic. (RESOLUTION)

Background/Discussion – State law requires that the City's Investment Policy be reviewed and approved by the City Council at least annually. The City's current Investment Policy provides for all of the standard and material issues that an Investment Policy should include. The Investment Policy's primary objective is the safety of principal balances, with liquidity and return on investment as the second and third priorities respectively. For fiscal year 2016-17, the Investment Policy is updated to describe the City's new sweep deposit/investment account, which is allowable under California Government Code Section 53601. The sweep account is a deposit account with a set maximum balance, each night the amount above the maximum amount is

swept into a commercial paper investment account. All the funds in the combined account are available to meet the City's weekly expense obligations.

Attachment

Action - It is recommended that the City Council, by resolution, approve the City's Investment Policy.

F.7 Establishment of the Fiscal Year 2016-2017 Appropriations Limit – from Senior Accountant Lee. (RESOLUTION)

Background/Discussion – State law requires the adoption of the Appropriations Limit by resolution prior to the beginning of each fiscal year and a recorded vote of the Council regarding which of the annual adjustment factors have been selected to calculate the Appropriations Limit each fiscal year. On June 25, 2015, the City Council adopted Resolution No. 10387 establishing the Fiscal Year 2015-2016 Appropriations Limit to \$311,521,566.

The State Constitution specifies the annual adjustment factors that the City may choose to calculate the Appropriations Limit. These adjustment factors are comprised of: (1) either the California per capita income or the percentage change in the local assessment roll due to the addition of local nonresidential construction in the City and (2) either the city's population growth or the population growth of the entire county. The two percentage increases are multiplied together to determine the final percentage by which the prior year's limit is increased.

The City chooses to use the percentage change in California personal income for the inflationary adjustment. Local assessment roll data necessary to calculate the percentage change in the nonresidential assessed valuation is generally not available from the County Assessor's Office until well into the fiscal year. In the absence of final information on this important factor, it is recommended that the known California per capita personal income of 5.37 percent be adopted for Fiscal Year 2016-2017. For the population adjustment factor, it is recommended that the County's percentage change in population of 1.06 percent be adopted for Fiscal Year 2016-2017 since the higher percentage change in the County's population is most advantageous to the City.

Based on the above information, the proposed Fiscal Year 2016-2017 Appropriations Limit is \$331,729,727. The 2016-2017 Biennial Budget contains appropriations subject to the limit and the budget is well below that limit.

Attachment

Action - It is recommended that the City Council, by resolution, revise the Appropriations Limit and annual adjustment factors for Fiscal Year 2016-2017.

F.8 Authorization for the City Manager to sign Task Order No. 12 to the Joint Powers Agreement with the City of Fremont for Case Management services – from Recreation and Community Services Director Zehnder.
(RESOLUTION)

Background/Discussion – Case Management is a vital component of the services offered through the City of Newark Senior Services program. It targets frail, homebound Newark seniors, striving to keep the elder person in their own home rather than being institutionalized. An assessment is made of the senior’s overall well-being, including health (physical and mental), financial, transportation and/or housing needs, personal safety issues, and the ability to care for themselves, either on their own or with assistance. If appropriate, a care plan for services is begun to assist the client with whatever services are needed and to provide ongoing monitoring of the client and the services put in place.

The Case Management Program receives referrals from the Police and Fire Departments. As first responders they encounter elderly that need assistance on many levels. The case manager is the answer to many of these referrals. Case Management services often result in the elimination of repeated callouts for the Police and Fire Departments as a crisis situation receives prompt intervention. This allows safety personnel to focus on other business within the City, thereby not straining the City’s safety resources. With ever-increasing demands on City staff, it is reassuring to know that assistance is available for the City’s most vulnerable residents.

The City has contracted for Case Management services with the City of Fremont since July 1, 1997. The Fiscal Year 2015-2016 agreement was in the amount of \$5,000 and provided one and one half hours of Case Management services per week. Staff is recommending that the Case Management funding for Fiscal Year 2016-2017 remain at \$5,000. Based on the number of cases opened during the current fiscal year, it appears that one and one half hour of service per week will be sufficient to meet the needs of Newark clients. If demand exceeds the available funding, new clients may be placed on a waiting list or directed to other fee-based agencies until the case load can accommodate them.

City staff and the City Attorney have reviewed Task Order No. 12 and recommend that it be approved.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign Task Order No. 12 to the Joint Powers Agreement with the City of Fremont for Case Management services.

F.9 Authorization for the City Manager to sign Task Order No. 11 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 and Measure BB 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:

FY16/17 Service Parameters	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.

A same day ride request with taxi companies is an additional service made available for Newark Paratransit riders ages 80 and above. The City of Fremont coordinates the South County Taxi Voucher program through the Measure B and Measure BB Gap Grant funding process. In the past, Gap Grant funds have partially covered the cost of this same day service with the City of Fremont covering the difference from their general fund. The City of Newark will now contribute funds based on the total number of taxi vouchers redeemed by Newark Paratransit program registrants. Staff projects that there are ample funds available within the fiscal year 2016-2017 paratransit budget to cover this additional expense.

The City has contracted for paratransit services with the City of Fremont since September 1, 2013. For fiscal year 2016-2017, staff is recommending funding in the amount of \$185,000.

City staff and the City Attorney have reviewed Task Order No. 11 and recommend that it be approved.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign Task Order No. 11 to the Joint Powers Agreement with the City of Fremont for Newark Paratransit services.

F.10 Authorization for the City Manager to sign an agreement with Vision Technology Solutions, LLC (dba Vision Internet) to provide website development, hosting, support and maintenance services – from Senior Information Systems Manager Towne. (RESOLUTION)

Background/Discussion – The City’s current website was launched in 2009. While the site meets the City’s basic needs a number of shortcomings have evolved, including: an outdated and inconsistent appearance that does not fully satisfy accessibility goals; an inability to offer the latest advances deemed important to citizens and businesses, such as support for mobile devices; and difficulty in maintaining and modifying the site due to the outdated content management tools currently employed.

The City distributed a Request for Proposals (RFP) inviting prospective vendors to provide website development, hosting, support and maintenance services for the purpose of re-launching the City website. The stated goal of the project is to establish a relationship with a vendor capable of supporting the City’s current and future needs via the ongoing evolution of the proposed solution and hosting services. In addition, the City’s website re-design should deliver: an attractive, dynamic, and unique yet

intuitive design; support for and promotion of economic development; mobile device responsiveness; options that encourage the use of self-service government; and acknowledgement of accessibility guidelines.

The City received qualifying proposals from three vendors – Civica, Civic Plus, and Vision Internet. Following a review of the written proposals by the City’s evaluation team, including the City Manager, each vendor was invited to participate in a live demonstration. At the conclusion of that phase the evaluation committee agreed unanimously on Vision Internet as the City’s preferred vendor. While cost was a factor in the overall evaluation, the final selection hinged specifically on qualitative criteria – the preferred vendor’s design portfolio, their emphasis on content strategy, and the capabilities and intuitive interface of their content management system. Uniquely, Vision Internet support also includes a bank of credits (20 hours/year) toward City-initiated changes and improvements that will serve to keep the site’s design and functionality updated and relevant throughout the term of the four year agreement.

		Year 1	Year 2	Year 3	Year 4	Total Cost
	Proposal	Support	Support	Support	Support	
Civica	\$29,095	included	\$4,910	\$4,910	\$4,910	\$43,825
Civic Plus	\$38,225	included	\$5,480	\$5,480	\$5,480	\$54,665
Vision Internet	\$27,030	included	\$6,500	\$6,825	\$7,166	\$47,521

Having successfully concluded negotiations, which included further project planning that increased and refined the scope of work, the total project cost has been identified as \$75,006. This includes the costs identified in the original proposal – i.e. the new site with 4 years of hosting and support - along with consideration for enhanced homepage design elements; additional content strategy consulting; and design differentiation for two City departments – Police and Recreation and Community Services. This total amount is well within the budgeted amount of \$150,000 for this project.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign an agreement with Vision Technology Solutions, LLC (dba Vision Internet) for website development, hosting, support and maintenance services.

F.11 Authorization for the Mayor to sign a License Agreement between NewPark Mall and the City of Newark for a static display and temporary office – from Police Chief Leal. (RESOLUTION)

Background/Discussion – Since February 2014, the City of Newark has occupied a space in the NewPark Mall for police officer use and community outreach. The proposed License Agreement expires April 30, 2017. The City is charged no fee in order to occupy the space made available to it. Staff believes the presence of the

Police Department static display within the shopping center provides a presence within NewPark Mall that has a positive effect on the shopping center and the community. Additionally, staff believes that the ability to have temporary office space available on site at the shopping center allows for more effective policing of the Mall.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a License Agreement with NewPark Mall for use of Police Department static display and temporary office.

F.12 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 for General Revisions – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Fiscal Year 2015-2016 is the second year in the City’s two-year budget cycle. As part of the year-end budget review, a number of revisions are proposed to the annual budget. These revisions have been identified where changes have occurred since the adoption of the budget document in June of 2014.

The expenditure modifications to the General Fund operating budget for Fiscal Year 2015-2016 include:

- increases in legal fees
- the cost of implementing the vacation cap
- an adjustment to the cost of Auto Dealer Economic Incentive
- increase in the cost of utilities
- increase in inspection costs in Public Works.

In other funds, expenditure modifications are all offset by fund balance in each of those funds. The adjustments to those funds include:

- increase in Workers Compensation Costs
- purchase of three stream waste cans.

Exhibit A lists the adjustments to the budget expenditures and transfers.

Attachments

Action - It is recommended that the City Council, by resolution, amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016.

NONCONSENT

F.13 Acceptance of the Civic Center Replacement/Relocation Feasibility Study Final Report – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – The existing Civic Center and Library are antiquated, below current seismic safety standards, functionally obsolete, and suffer from an extensive maintenance backlog. The facilities include the Police Department, (7,925 square feet), City Administration Building (33,167 square feet), and Library (15,570 square feet).

On May 28, 2015, the City Council approved a contract with Group 4 Architecture to study the potential replacement of the library, police facility, chambers and administrative offices. This study analyzed and documented: a program of uses; a space needs assessment both existing and future; an alternative site analysis process and the identification of a preferred site; a conceptual Civic Center site plan, building massing diagrams and strategies; a project cost model and schedule; an assessment of funding sources; and includes recommendations and an action plan.

The study recommends the replacement of the police facility; administration building and library on the existing site. In order to meet existing and future space needs and to enable modern efficient operations the buildings should be sized as: 24,000 square feet for the Police Department, 23,000 square feet for the City Administration Building and 26,000 square feet for the Library Building. The study also recommends the co-location of the Newark Unified School District (NUSD) Administrative Offices should be considered. The consultant, in consultation with NUSD, has determined that 14,000 square feet of space would be needed. The District's dedicated space would be paid for and owned by NUSD and allow for shared use of Council/Board chambers and meeting/training facilities.

Public and stakeholder input was a key part of this process. There were two community meetings and numerous stakeholder interviews. The effort also included three City Council work session with robust public comment.

The Study recommends that the City proceed with detailed planning for a new Civic Center that can provided safe, energy efficient, accessible, and cost-effective facilities for providing the citizens of Newark with the public safety, administrative, cultural and educational services they need.

Attachment

Action - Is recommended that the City Council, by motion, accept the Civic Center Feasibility Study Final Report.

- F.14 Presentation by Godbe Research on the results of public opinion sampling and evaluation of possible public support for a revenue measure for construction of a new library, police operations facility, City administrative offices, and enhancing other City facilities and services – from City Manager Becker. (MOTION)**

Background/Discussion – On April 28, 2016, Dawn Merkes from Group 4 Architecture presented the City Council with an update on the Civic Center Feasibility Study. The update included an overview of the project, a review of the City Council’s preferred site plan “Option 1B”, refined project cost estimates, and a phasing plan. Sarah Hollenbeck from Public Financial Management, working in conjunction with Group 4, reviewed potential funding alternatives. These included General Obligation Bonds, Community Facilities District (special tax bonds), a Transit Oriented Tax increase (Hotel Tax), and an increase in the local sales tax.

As a result of this information, the City Council directed staff to facilitate a public opinion poll to evaluate possible public support for a revenue measure to support construction of a new library, police operations facility, and City administrative offices. The Council directed staff to focus the polling revenue options on a local sales tax increase or a general obligation bond.

On May 3, 2016, the City Manager signed an agreement with Godbe Research for consultant services for public opinion sampling and evaluation as directed by the City Council. Godbe Research is a recognized leader in revenue measure feasibility polling services. The scope of work included:

- Reviewing voter and resident information and developing a stratified and clustered sample of Newark voters.
- Designing a survey instrument to determine support for a revenue measure for construction of a new library, police operations facility, City administrative offices, and enhancing other City facilities and services including parks and streets.
- Conducting a set of telephone interviews and online (email) survey’s using a strict interview/questionnaire protocol.
- Analyzing the survey results and prepare a comprehensive report of findings to be presented to City staff and the Newark City Council.

Godbe Research has completed their work and will be presenting the survey results to the City Council during the meeting. At the end of the presentation, staff will be asking the City Council for direction on whether or not to return at a future City Council meeting with the necessary actions to place a measure on the November 8, 2016 ballot to fund a new library, police operations facility, City administrative offices, and enhance other City facilities and services

Action - It is recommended that the City Council, by motion, accept the results of the public opinion polling and provide direction to staff regarding placing a measure on the November 8, 2016 ballot to fund a new library, police operations facility, City administrative offices, and enhance other City facilities and services.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of June 23, 2016. (MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

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

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