

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, April 28, 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:

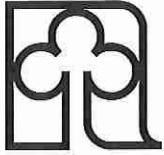
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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, April 28, 2016

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 14, 2016. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employee.

Background/Discussion – Newly hired Police Officer Blair Slavazza will be introduced at the City Council meeting.

C.2 Proclaiming May 13 - 21, 2016, as Affordable Housing Week in Newark. (PROCLAMATION)

Background/Discussion – May 13-21, 2016, has been designated Affordable Housing Week in Newark. A proclamation has been prepared and a representative from the East Bay Housing Organizations will accept it at the meeting.

C.3 Proclaiming May as National Water Safety Month in Newark. (PROCLAMATION)

Background/Discussion – In recognition of the popularity of swimming and other water-related recreational activities, and the resulting need for ongoing public education on safer water practices, the month of May 2016 has been designated as National Water Safety Month.

Recreation and Community Services staff will be at the meeting to accept the proclamation.

C.4 Proclaiming May 5, 2016, as National Day of Prayer in Newark. (PROCLAMATION)

Background/Discussion – May 5, 2016, has been designated as National Day of Prayer in Newark. Pastor Emeritus Ed Moore will be at the meeting to accept the proclamation.

D. WRITTEN COMMUNICATIONS**E. PUBLIC HEARINGS****F. CITY MANAGER REPORTS**

(It is recommended that Items F.1 through F.5 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

F.1 Resolution authorizing the Annual Program Submittal for Measures B and BB funding of paratransit services – from Recreation and Community Services Director Zehnder. (RESOLUTION)

Background/Discussion – The Alameda County Transportation Commission (ACTC) administers the distribution of Measure B and Measure BB, a combined one cent transportation sales tax which provides funding to the City of Newark to provide paratransit services for the elderly and disabled. Each year the City is required to submit an application for funding and a budget to ACTC outlining the paratransit services to be offered in the upcoming fiscal year.

ACTC forecasts that the City of Newark will receive approximately \$185,155 in Measure B sales tax revenue and \$114,301 in Measure BB sales tax revenue for Fiscal Year 2016-2017. The Measure BB revenue increased slightly from the original projection of \$113,232.

In 2013, the City of Newark amended the Joint Powers Agreement with the City of Fremont enabling Fremont to provide paratransit services to eligible Newark residents. Fremont Paratransit provides door-to-door wheelchair accessible service for Newark seniors ages 70 and older and for people with disabilities, ages 18 and older. Fremont's robust, reliable, and efficient paratransit service provides Newark riders with the following services:

- Service hours – Monday through Friday, 8:00am – 6:00pm, Saturday and Sunday, 9:00am – 3:00pm
- Service area – service is provided to all parts of Fremont, Union City and Newark
- Reservation and dispatch system – Monday through Friday, 8:00am – 5:00pm, Saturday and Sunday, 9:00am – 3:00pm

In addition to these paratransit services, Newark riders also receive access to supplemental transportation services offered through the Fremont Human Services Department:

- Tri-City Travel Training Program
- Senior Clipper Card Distribution Program
- Tri-City Mobility Management Program

For these services, the City of Newark will reimburse the City of Fremont at a cost not to exceed \$180,000. This includes a cost per trip billing for all one-way trips as well as monthly administrative fees. The remainder of the funds will be transferred to operational reserves. Should rider demand be greater than projected, the City of Newark has sufficient Measure B and Measure BB Operational Reserves which can be used to offset additional service costs.

The City will also utilize Measure B and Measure BB funding to subsidize the Life Eldercare, Inc., Meals on Wheels service, which provides over 13,000 home-delivered meals annually to Newark residents. Staff is proposing that the level of funding for Fiscal Year 2016-2017 remain at \$7,000.

Attachment

Action – It is recommended that the City Council, by resolution, approve the annual program submittal for Measure B and Measure BB funding for paratransit services for Fiscal Year 2016-2017.

F.2 Approval of the final map for Tract 8085, a 213-unit residential subdivision (CDCG Group Holdings Bayshores L.P.) at 37555 Willow Street – from Associate Civil Engineer Cangco. (RESOLUTION)

Background/Discussion – On November 29, 2012, the City Council approved Vesting Tentative Tract Map 8085 for a 553-unit residential subdivision at 37555 Willow Street. The Vesting Tentative Tract Map was subsequently amended on February 28, 2013 by the City Council for a 547-unit residential subdivision. The project is being proposed to be built in two phases with Tract 8085 being the first of the two phases. This first phase of the project is for a 213-unit residential subdivision. CDCG Group Holdings Bayshores L.P. has submitted the required fees, bonds, and other documents for approval of the final map for Tract 8085. Recording of the final map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Attachment

Action – It is recommended that the City Council, by resolution, approve the final map for Tract 8085, a 213-unit residential subdivision (CDCG Group Holdings Bayshores L.P.) at 37555 Willow Street.

F.3 Adoption of the Five-year Forecast 2016-2021 – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – On April 14, 2016, the draft Five-Year Forecast 2016-2021 was presented to the City Council, and staff provided Council with an overview of the Forecast.

Attachment

Action – It is recommended that the City Council, by resolution, adopt the Five-Year Forecast 2016-2021.

F.4 Acceptance of work with Rosas Brothers Construction for 2015 Curb, Gutter and Sidewalk Replacement, Project 1095 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On April 11, 2013, the City Council authorized award of a contract to Rosas Brothers Construction for the 2013 Curb, Gutter, and Sidewalk Replacement, Project 1042 with options to renew annually for up to three additional years. On July 9, 2015, the Public Works Director, as authorized under the original project specifications, exercised renewal of the contract with Rosas Brothers Construction for the 2015 Curb, Gutter and Sidewalk Replacement, Project 1095. The scope of work included replacement of damaged curb and gutter, damaged sidewalk, and other concrete repairs on a Citywide basis. All work on this project is now complete.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Rosas Brothers Construction for 2015 Curb, Gutter, and Sidewalk Replacement, Project 1095.

F.5 Approval to reclassify the Accounting Technician - Confidential position to Accounting Technician II – Confidential by amending the Employee Classification Plan, to add the classification of Accounting Technician II – Confidential and revise the classification of Accounting Technician – Confidential to Accounting Technician I – Confidential; amending the Compensation and Benefit Plan for the Confidential Employee Group to add the classification of Accounting Technician II - Confidential; and amending the 2014-2016 Biennial Budget to add the position and the funding for the position of Accounting Technician II - Confidential and to delete the position and funding for Accounting Technician - Confidential – from Human Resources Director Abe. (RESOLUTIONS – 3)

Background/Discussion – The Administrative Services Department has proposed the reclassification of the payroll position in Finance from Accounting Technician –

Confidential to Accounting Technician II – Confidential. The reclassification reflects the scope and complexity of the deadline driven services provided to all employees citywide.

Finance has one position responsible for processing citywide payroll. The duties and responsibilities of this single position classification have evolved from a specialized payroll position to a position which performs a variety of difficult technical support duties related to accounting, budget, and payroll. The position reconciles all payroll deductions; prepares journal entries and maintains the general ledger and subsidiary ledgers; assists with the development of the City's Five Year Forecast and annual budget; and works with the Administrative Services Director and other department staff to develop and refine management accounting systems.

Based on the position's additional duties and responsibilities, the proposed salary range for Accounting Technician II – Confidential is \$6,411 to 7,641 per month, ten percent above the salary range for Accounting Technician – Confidential.

Attachments

Action - It is recommended that the City Council approve by resolutions: (1) amending Resolution No. 2505, Employee Classification Plan, to create one new class specification entitled Accounting Technician II - Confidential, and to revise one class specification entitled Accounting Technician I - Confidential (2) amending Resolution No. 10400, the Compensation and Benefit Plan for the City of Newark Confidential Employee Group to add one new classification, entitled Accounting Technician II - Confidential and revise the title of one classification to Accounting Technician I – Confidential and (3) amending Resolution 10235, the 2014-2016 Biennial Budget to add one Accounting Technician II – Confidential and delete one Accounting Technician I – Confidential.

NONCONSENT

F.6 Authorization for the City Manager to sign a combined Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On November 4, 2014, Alameda County voters approved Measure BB, the 2014 Transportation Expenditure Plan (TEP), authorizing the Alameda County Transportation Commission (Alameda CTC) to administer the proceeds from the extension of the existing Measure B half-cent sales tax that is scheduled to terminate on March 31, 2022, and the augmentation of the sales tax by an additional one-half percent. The City Council approved a Master Programs Funding Agreement (MPFA) with the Alameda CTC on May 14, 2015 for the initial disbursement of Measure BB direct local distribution funds through June 30, 2016. This MPFA was intended as a short-term agreement to allow for the immediate distribution of funds and to provide additional time to develop related policies and performance measures for a more permanent agreement.

The Alameda CTC is also responsible for the distribution of revenues generated through the reauthorization of Measure B approved by voters in 2000 and the Vehicle Registration

Fee (VRF) Program approved by voters as Measure F in 2010. The City Council approved a MPFA with the Alameda CTC on February 23, 2012 to govern the distribution of direct local distribution funds from the Measure B and the VRF Programs through June 30, 2022.

In an effort to provide consistent implementation of Measure B, Measure BB, and VRF direct local distribution funds, the Alameda CTC has proposed a combined single master agreement with each local jurisdiction for all three of these fund sources. A combined MPFA would provide consistent policies and requirements that are applicable to all funds and would help streamline program implementation for each local agency recipient and the Alameda CTC. The proposed 10-year MPFA would replace both existing agreements with an effective date of July 1, 2016 and a sunset date of June 30, 2026. The combined MPFA is based primarily on the existing 2012 Measure B/VRF agreement. The agreement for each jurisdiction contains policies on expenditures, timely use of fund requirements, implementation guidelines, and performance measures to guide the expeditious use and investment of the direct local distribution funds.

Measure B and Measure BB each contain a Bicycle and Pedestrian Program, a Local Streets and Roads Program, a Mass Transit Program (the City does not receive direct mass transit funds), and a Paratransit Program. The VRF contains only and Local Streets and Roads Program. The projected funding amounts for the City of Newark for each direct local distribution program in 2016-2017 are as follows:

City of Newark Projected Direct Local Distribution Funding, 2016-2017

Fund Program	Local Streets and Roads	Bicycle and Pedestrian	Paratransit	Newark Total
Measure B	\$ 477,075	\$ 133,288	\$ 185,154	\$ 795,517
Measure BB	\$ 432,510	\$109,865	\$ 114,301	\$ 656,676
VRF	\$ 194,063	n/a	n/a	\$ 194,063

The projected total funding for 2016-2017 for the City of Newark from all three fund programs in the amount of \$1,646,256 is approximately 2% more than the final projections for 2015-2016.

The proposed combined MPFA delineates the requirements of the Measure B, Measure BB, and VRF funds that are directly allocated to the City of Newark. Discretionary funds identified in each of the expenditure plans for these fund sources are not subject to the MPFA. Consistent with past practice, use of discretionary funds would require approval of a separate agreement.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a combined Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark.

F.7 Authorization for the Mayor to sign a Contractual Services Agreement with RHAA Landscape Architecture and Planning Inc. to complete a

**Citywide Parks Master Plan – from Assistant City Manager Grindall.
(RESOLUTION)**

Background/Discussion: At the February 11, 2016, City Council Study Session, staff was directed to develop a Citywide Parks Master Plan. The City has Master Plans for individual parks, but there has never been a comprehensive Citywide plan for park facilities. The Master Plan will: 1) identify the recreation needs of all segments of the Newark community; 2) explore opportunities for creating destination recreation that would create revenue and community definition; 3) assess the “gaps” not presently met by existing park facilities; 4) identify priority projects in consultation with the community; and 5) include an action plan for funding and constructing the priority projects.

The City of Newark operates and maintains 131 acres of City parks and several recreational facilities. Of this total, 121 acres are owned by the City and 10 acres are leased from the Newark Unified School District. There are 13 parks in the City, including eight neighborhood parks, three community parks, the Shirley Sisk Grove and the Mac Gregor Play Fields. The City also owns and operates the George M. Silliman Activity and Family Aquatic Center, the Clark W. Redeker Newark Senior Center, and the Newark Community Center.

There are 2-acre and 6.5-acre parks proposed in the Dumbarton Transit Oriented Development, a 3- acre joint use park planned in the Sanctuary Development (Area 3) and a 2-acre park envisioned in Sanctuary West (Area 4). There are also 110 acres designated for a golf course or other recreational use at the southern end of Mowry Avenue. In addition to City owned parks, there are privately owned mini parks in some neighborhoods.

Through the General Plan, Capital Improvement Plan, and other community input, potential new recreational facilities and park expansions have been identified, which include:

- A skate park
- A dog park or parks
- Cedar Extension Linear Park
- All weather playfields
- Potential golf course
- Rose/flower garden
- Bay friendly landscaping demonstration gardens
- Community garden

These improvements far exceed our short and medium term financial capacity. Thus, a careful assessment and prioritization of these projects is urgently needed.

In February 24, 2016, the City issued a Request for Qualification (RFQ) to develop a list of potential consultants who could conduct the Citywide Park Master Plan. Six submissions were received. After review by Staff, two firms were asked to provide

detailed cost proposals and scopes of work. After reviewing the submissions, Staff determined that Royston Hanamoto Alley and Abbey doing business as RHAA Landscape Architecture and Planning Inc. was most qualified and had the clearest vision of what the Citywide Parks Master Plan should encompass. The attached contract includes a detailed work plan in an amount not-to-exceed \$207,775.

Four Community Meetings will be held throughout the Master Plan development. Prior to formal adoption there would be a hearing before both the Planning Commission and the City Council. The City's website and social media will be used to inform and engage the community regarding this planning process. The planning process is expected to require 8 months to complete.

This project was not included in the 2014-2016 Biennial Budget, therefore a budget amendment is necessary. This project would help to implement the General Plan thus the cost should be funded from the Community Development Maintenance Fee. This impact fee was established in 2010 to fund Community Development activities that promote the orderly development of Newark. No General Fund resources would be used for the Citywide Park Master Plan contract.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a Contractual Services Agreement with RHAA Landscape Architecture and Planning to complete a Citywide Parks Master Plan and amending the 2014-2016 Biennial Budget.

F.8 Update on the Civic Center Replacement/Relocation Feasibility Study, and direction to proceed with public opinion polling regarding potential funding measures – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – The existing Civic Center and Library are antiquated, functionally obsolete, and suffer from an extensive maintenance backlog. The facilities are not suitable for meeting the City's public safety, administrative, and cultural needs. Furthermore, they are not likely to be usable structures after a moderate earthquake.

On May 28, 2015, the City Council approved a contract with Group 4 Architecture to study the potential replacement of the Library, Police Department, and City Administration Building. This effort has a goal of providing safe, sustainable, accessible, and cost-effective facilities and providing the citizens of Newark with the library, public safety, administrative, cultural and educational services they need.

The feasibility study has addressed several tasks: it identified a program of uses; developed a space needs assessment; identified and analyzed alternative sites; and developed conceptual site plans, building diagrams, and massing strategies. Alternative sites and various site configurations were developed. There was a community meeting and two City Council work sessions as a part of this effort.

City staff also had preliminary discussions with the Newark Unified School District about a partnership that would accommodate the District's administrative offices and allow for shared City Council and Board of Education chambers.

There were numerous sites considered for the Civic Center as well as various site configurations. At the February 4, 2016 City Council meeting, the City Council selected Civic Center Site Option 1B. Option 1B maintains the civic center on the existing site with the library, and administration building directly adjacent to Newark Boulevard and a police facility adjacent to the existing library. The existing administration tower and Police annex would be demolished. The existing library building would not be impacted and could be either sold to offset project cost or utilized for other future uses. The City Council recommended site plan modifications, and directed the development of a construction cost estimate and an assessment of funding sources.

Group 4 Architecture will present a project overview, revised site plan, cost estimates and methodology, phasing plan and an assessment of potential funding sources at the City Council meeting.

If the City Council wishes to proceed with planning for this project, staff recommends commissioning a public opinion poll to assess community support for this project.

Action – It is recommended that the City Council, by motion, direct staff to commission a public opinion poll to assess the community support for the project and potential funding measures.

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 April 28,
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.