

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, February 25, 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:

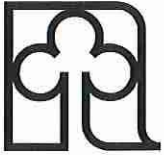
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS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



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, February 25, 2016

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the special City Council meeting of February 4, 2016, the special City Council meeting of February 11, 2016, and the regular City Council meeting of February 11, 2016. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider Gateway Station West, a 589-unit residential project within the Dumbarton Transit Oriented Development Specific Plan area located along Willow Street at the western edge of the City. The City Council will consider: (1) by resolution, adopting a Supplemental Environmental Impact Report to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) by introduction of an ordinance, approving a rezoning for an approximately 41-acre area (APNs: 537-852-9, 537-852-10 and 537-852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) by resolution, approving a planned unit development and a conditional use permit; (4) by resolution, approving, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) by motion, approving an Architectural and Site Plan Review; and (6) by resolution, authorizing the Mayor to sign a Community Financing Agreement with Dumbarton Area 2, LLC – from Assistant City Manager Grindall.
(RESOLUTIONS- 4)(INTRODUCTION OF ORDINANCE)(MOTION-1)**

Background/Discussion – In collaboration with the landowners, the City of Newark began a planning effort in the Fall of 2007 to explore potential development around the planned Newark Dumbarton Rail Station. The Project Area includes approximately 205 acres of land that has previously contained various industrial, manufacturing, and chemical processing land uses since the early twentieth century. Most of the land is currently vacant. Integral Communities has now submitted a proposed Vesting Tentative Map and building plans for 589 residential units to be located on approximately 41 acres along Willow Street at the western edge of the City.

This 589-unit residential project is consistent with the Specific Plan's vision of a vibrant pedestrian oriented community. The project will provide important amenities, including a segment of bay-side trail that will be eligible for Bay Trail designation and a small, neighborhood dog park. The cost of these amenities is to be provided by the developer. Although a total of 15.75 acres of wetlands are on-site, the project will only affect a total of 6.1 acres of these wetlands; and the applicant will purchase sufficient qualifying wetland mitigation credits for this impact. The applicant will also permanently preserve 3.67 acres of wetlands on-site. Additionally, as a separate voluntary measure, that is not a part of this project, the applicant has donated 6 acres that includes 5.98 acre of wetlands to a non-profit conservation organization.

It is proposed to rezone a portion of the Dumbarton Transit Oriented Development to be consistent with the Specific Plan. RZ-14-48 is a rezoning of an approximately 41-acre area that is generally located on the west side of Willow Street. The rezoning would be from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes) which is consistent with the Specific Plan.

In addition to providing amenities, the project would also provide significant impact fee revenue including: \$16,718,800 in Affordable Housing fees; \$4,393,940 in Park fees; \$1,195,641 in Public Safety fees; \$1,051,110 in Community Services/Facilities fees; and \$380,401 in Transportation Impact fees. The project will also pay an Art in Public Places fee of \$159,030 and a \$1,472,500 Fiscal Impact fee which is envisioned to support the Central Avenue Railroad Overcrossing project. Collectively, the estimated total of impact fee revenue is \$25,371,422. The project will also pay \$4,053,000 in school fees to the Newark Unified School District.

Community Financing Agreement

The Dumbarton TOD Specific Plan contains critical elements necessary to implement the Plan. To ensure that the City's fiscal health is sustained, developers are required to contribute to the provision of public improvements and city services. As such, the applicant has agreed to enter into the attached Community Financing Agreement. Under the terms of the agreement, a contribution of \$2,500 per dwelling unit is required.

The Architectural and Site Plan Review

Gateway Station West features six different home types providing a community diverse in scale, streetscape and architectural character. Several coordinated styles such as Classic Agrarian, Contemporary Agrarian, Farmhouse and Craftsman, are proposed to provide architectural variety across the 41-acre site. The homes are designed for flexibility, with ground floor living spaces or optional dens or recreation rooms. In addition to the Bay-Side Trail, a one acre park and several smaller parks are scattered throughout the community. Landscaped pedestrian paseos between buildings and landscaped water bio-treatment and retention areas, which are available for recreation when not inundated, are linked with walkways resulting in a walkable community.

The residential home types are summarized below:

Single Family Homes

132 Traditional front-loaded single family detached homes – These three-story detached homes feature minimum lot sizes that are 35 feet wide by 50 feet in depth and offer three floor plans ranging from 2,299 square feet to 2,541 square feet. These plans offer up to 4 bedrooms and 3.5 bathrooms and will be available in all three Farmhouse, Craftsman, and Agrarian architectural styles.

119 Rear-loaded single family detached homes – These three-story detached homes feature landscaped paseos in the front and have lots that are 35 feet wide by 55 feet in depth. Three floor plans are offered, ranging from 2,491 square feet to 2,710 square feet. These plans offer up to six bedrooms and 3.5 bathrooms and will be available in the Farmhouse and Craftsman architectural styles.

70 Motor court cluster single family detached homes – These three-story detached homes offer four floor plans ranging from 1,541 square feet to 2,159 square feet. These plans offer up to 4 bedrooms and 3 bathrooms and will be available in the Farmhouse and Craftsman architectural styles.

Town Homes:

98 “Loft Split” traditional row town homes – These three-story town homes offer four distinct floor plans ranging from 1,486 square feet to 2,089 square feet within 6-plex and 7-plex building configurations. These plans offer up to 4 bedrooms and 3.5 bathrooms and will be available in the Contemporary Agrarian and Classic Agrarian architectural styles.

80 “P9 Cluster” motor court style town homes – These three-story town homes offer five distinct floor plans ranging from 1,582 square feet to 2,193 square feet and up to 4 bedrooms and 3 bathrooms designed in a Classic Agrarian style.

90 “Flats style” town homes – These three-story buildings offer four distinct floor plans ranging from 1,445 square feet to 2,193 square feet and up to 3 bedrooms and 3.5 bathrooms. This product offers all living space on a single floor or two floors. The buildings are arranged in a 6-plex designed in the Contemporary Agrarian style.

The Supplemental Environmental Impact Report (SEIR)

The draft SEIR for this project was prepared by Helix Environmental Planning and then reviewed by City staff. Of the issues analyzed, the only new potentially significant impacts resulting from this project would include impacts related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, noise, and transportation/traffic, and hazardous materials. The SEIR concludes that all of the project's potentially significant impacts would be mitigated to a less than significant level by mitigation measures imposed therein, except for discrete impacts involving off-site hazardous materials and transportation and traffic.

Table S-1, *Summary of Significant Effects*, discusses potentially significant impacts and notes mitigation measures that have already been accounted for in the original Dumbarton TOD EIR, as well as new, project-specific mitigation measures developed for Gateway Station West. The following is a synopsis of the new mitigation measures.

Air Quality

Impact: Construction-period project emissions would exceed the Bay Area Air Quality Management District's (BAAQMD) significance threshold for NOx. Mitigation Measure: Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that all diesel-powered off-road equipment used during the grading phase shall meet Tier 4 final off-road emission standards. This mitigation measure reduces all of the project's air quality impacts to a less than significant level.

Biological Resources

Impact: Potentially significant impacts may occur to habitats regulated by the California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 *et seq.* of the California Fish and Game Code. Mitigation Measure: A Streambed Alteration Agreement shall be obtained for impacts to habitats regulated by CDFW pursuant to section 1600 *et seq.* of the California Fish and Game Code.

Impact: In order to adequately implement the on-site open space preserve area, a management plan must be developed to monitor the progress of any on-site wetland mitigation and associated biological values. Mitigation Measure: The open space area shall be set aside in perpetuity, either through deed restrictions or conservation easements. Because the open space area contains waters under jurisdiction of the United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB), and potentially suitable habitat for species regulated by the CDFW, the plan shall be developed in coordination with these agencies. The mitigation measures proposed in the SEIR reduce all of the project's impacts on biological resources to a less than significant level.

Cultural Resources

Although there are no known culturally significant resources on site and their discovery is unlikely, there is always the potential for the existence of buried archaeological materials within the project area and associated off-site improvements. If previously unidentified resources are discovered during construction, these impacts could be significant. The mitigation measures proposed in the SEIR reduce all of the project's impacts on cultural resources to a less than significant level.

Geology and Soils

Impact: Potentially significant geologic hazards associated with seismic ground shaking, liquefaction and related effects, manufactured slope instability, geologic/soil instability, shallow bedrock groundwater, and expansive soils may be associated with the project. **Mitigation Measure:** A site-specific geotechnical investigation shall be conducted by a qualified engineer or engineering geologist to verify that the final project plans and/or construction operations incorporate applicable regulatory/industry requirements, recommendations contained within the project geotechnical investigations, plan review, and field observations/testing. This mitigation measure reduces all of the project's impacts on geology and soils to a less than significant level.

Hazardous Materials

Impact: Proposed project site development could result in disturbances of soils or demolition of structures that could potentially release contaminants, as well as impacting existing groundwater monitoring wells (for an off-site remediation effort). **Mitigation Measure 1:** A qualified hazardous materials specialist shall review final project grading and development plans prior to approval to verify related conditions and assumptions in the project Phase I and Phase II Environmental Site Assessments or to identify modified and/or additional requirements. **Mitigation Measure 2:** After completion of final project grading and development plans, but prior to issuance of grading or building permits, a Hazardous Materials Remediation Plan (HMRP) shall be prepared by a qualified hazardous materials specialist. **Mitigation Measure 3:** All project dewatering operations, subsurface activities related to on-site remediation of liquefaction hazards and other pertinent activities, shall confirm with application related requirements in the ACWD Groundwater Protection Act. These mitigation measures reduce all of the project's impacts relating to hazards and hazardous materials to a less than significant level except for impacts relating to offsite hazardous materials outside the control of the project applicant.

Hydrology/Water Quality

Prior to mitigation, implementation of the proposed project would result in significant potential impacts to local groundwater resources associated with the use of subsurface measures to address identified liquefaction hazards (e.g., the installation of subdrains or piles, and implementation of efforts such as soil vibrocompaction, grouting and deep mixing), as well as water quality concerns related to the discharge of extracted groundwater (if required). **Mitigation Measure 1:** All project dewatering operations, subsurface activities related to on-site remediation of liquefaction hazards (e.g., the installation of subdrains or piles, and implementation of efforts such as soil

vibrocompaction, grouting and deep mixing), and other pertinent activities, shall conform with applicable related requirements in the ACWD Groundwater Protection Act (Ordinance No. 2010 01). Specifically, the project applicant (or a designated representative of the applicant) shall provide written verification to the City that all applicable requirements related to dewatering operations and subsurface activities (as described) have been implemented to the satisfaction of the ACWD. Mitigation Measure 2: All project-related groundwater extraction disposal operations shall conform to applicable waste discharge requirements issued by the RWQCB for disposal of extracted groundwater (if such waste discharge requirements are issued by the RWQCB). Specifically, the project applicant (or a designated representative of the applicant) shall consult with the RWQCB prior to implementing on-site dewatering activities to determine if such waste discharge requirements are required, and shall provide written verification to the City that either: (1) no waste discharge requirements related to project dewatering are required by the RWQCB; or (2) all applicable requirements related to dewatering operations have been implemented to the satisfaction of the RWQCB. These mitigation measures reduce all of the project's impacts related to hydrology and water quality to a less than significant level.

Noise

Impact: Location of ground-mounted heating, ventilation and air conditioning equipment (HVAC) within 25 feet of adjacent residential property lines could result in a potentially significant direct impact. Additionally, implementation of the proposed project would result in cumulative 2035 traffic noise levels along Enterprise Drive between Hickory Street and Willow Street contributing to a significant cumulative impact at a representative distance of 75 feet from the roadway. Mitigation Measure 1: For residences located within 25 feet of ground-mounted HVAC equipment, attenuation of exterior HVAC noise levels to 45A weighted decibels equivalent sound levels shall be ensured prior to issuance of a Certificate of Occupancy. Mitigation Measure 2: Prior to the issuance of building permits, the project applicant shall coordinate with the City's Public Works Director to change the posted speed limit along Enterprise Drive (between Hickory Street and Willow Street) to 25 mph. Mitigation Measure 3: Prior to the approval of building permits for residences along Enterprise Drive between Hickory Street and Willow Street, a site-specific acoustic analysis shall be conducted to ensure exterior and interior sound levels are equal to or less than the applicable allowable limits. These mitigation measures reduce all of the project's impacts on noise to a less than significant level.

Transportation/Traffic

Impact: The proposed project would increase traffic levels and would have a direct significant impact on the level of service at four intersections within the study area for the existing plus project condition, and would have a significant impact on the level of service at 10 future 2035 plus project (cumulative) scenarios.

The proposed mitigation measures will reduce all of the project's potentially significant impacts on transportation and traffic to a less than significant level except for direct impacts at the Cedar Boulevard/Thornton Avenue, and cumulative impacts

on SR 84 Eastbound Ramps/Thornton Avenue, Cherry Street/Thornton Avenue, Newark Boulevard/Thornton Avenue, Cedar Boulevard/Thornton Avenue, and Cherry Street/Central Avenue. No feasible mitigation is available for these intersections, and therefore the project's impacts to the same will be significant and unavoidable.

The review period for the SEIR ended on September 16, 2015. During the review period, the City received four comment letters from public agencies and the general public. Letters were received from the California Department of Transportation, the Alameda County Water District, Cargill, Inc., and Ashland, Inc. These letters, and the City's full and complete responses to the same, are part of the attached Final SEIR.

The attached Findings of Fact and Statement of Overriding Considerations document key findings, including the City's independent determination that all potential significant impacts other than impacts relating to offsite hazardous materials and transportation and traffic can and will be mitigated to a less than significant level, and list project benefits that override the significant and unavoidable impacts relating to offsite hazardous materials and transportation and traffic described in the SEIR, allowing approval of the project despite the existence of these impacts.

Attachments

Update – At its meeting of February 2, 2016, the Planning Commission approved Resolutions 1918, 1919 and 1920 and by motion recommended that the City Council approve TM-14-47, Vesting Tentative Map 8099 and by motion approved ASR-14-51, an Architectural and Site Plan Review.

Action – It is recommended that the City Council hold a public hearing and consider whether to: (1) Adopt a resolution certifying a Supplemental Environmental Impact Report for a zoning amendment and other entitlements allowing development of a total of 589 single- and multi-family residential units (Gateway Station West) on approximately 41 acres (Assessor Parcel No. 537-0852-009; 537-0852-010; and 537-0852-011) and approximately 13.5 acres of designated open space with the Dumbarton Transit Oriented Development Specific Plan; (2) Introduce an ordinance amending Title 17 of the Newark Municipal Code being the City of Newark Zoning Ordinance by rezoning approximately 41 acres (APN's: 537-852-9; 537-852-10; 537-852-11) from MT-1 (High-Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) By resolution, approve P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) Adopt a resolution approving TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) By motion, approve ASR-14-51, an Architectural and Site Plan Review; and (6) By resolution, authorize the Mayor to sign a Community Financing Agreement with Dumbarton Area 2, LLC.

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 Acceptance of contract with New Image Landscape Company for Park and Landscape Maintenance Services Project 1007C – from Maintenance Supervisor Hornbeck. (RESOLUTION)**

Background/Discussion – On December 13, 2012 the City Council awarded a contract to New Image Landscape Company, for park and landscape maintenance services for the 2013 calendar year.

Two additional years of work were included in the specifications and could be implemented upon mutual consent by the City and the contractor. Approval was granted and the contract extended for completion of the 2015 Park and Landscape Maintenance Services. All work on this project is now complete.

Attachment

Action - It is recommended that the City Council, by resolution, accept the contract with New Image Landscape Company, for Park and Landscape Maintenance Services Project 1007C.

F.2 Authorization for the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2016 Music at the Grove Program – from Recreation and Community Services Director Zehnder. (RESOLUTION)

Background/Discussion – Since 1987, the Recreation and Community Services Department has organized a summer concert series at Shirley Sisk Grove. Based upon the quality of service provided for the 1987 through 2015 concert series, staff recommends that the firm of Joel Nelson Productions, Inc., be retained to provide entertainment and production services for the four scheduled concerts. The proposed agreement requires that Joel Nelson Productions, Inc. will:

1. Provide four (4) live professional musical entertainment events at the Shirley Sisk Grove. Concerts will be held on Friday evenings, June 24, July 8, July 22, and August 5, 2016. With permission from City staff, concerts dates are subject to change.
2. Provide for all acts and talent as approved by City staff.
3. Provide on-site sound and stage managers at all concerts to coordinate and execute technical requirements.

4. Provide setup, installation, and maintenance of a stage for each concert. Stage for the 2016 concert series must be of professional quality, meet all ADA requirements, and will include commercial-grade scaffolding, shade cover, plywood backing and skirting. All stage surfaces to be painted black.
5. Provide professional setup, installation, and maintenance of all sound, audio, and electrical equipment for each concert.
6. Provide professional staffing to assist with day-of-event logistics.

The amount to be paid to Joel Nelson Productions, Inc., for all services described above is \$25,250.00. Funding for the 2016 Music at the Grove concert series will be arranged through the Newark Betterment Corporation as well in-kind donations from local businesses and organizations including Homewood Suites, and Tri-City Voice.

Permission to use the parking lot area at NewPark Mall and the access roads will be finalized prior to the first concert on June 24, 2016.

Because the concerts are being sponsored totally by the City, liability coverage is provided under the City's ABAG Plan. It should be noted that as part of the agreement with NewPark Mall, the City will have to indemnify them for losses, which may occur as a result of the concert's activities. The indemnification will release NewPark Mall from any and all liability for Music at the Grove attendees who utilize the parking lot area.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Joel Nelson Productions, Inc., for the 2016 Music at the Grove Program.

F.3 Acceptance of work with G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093 – from Associate Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On July 23, 2015, the City Council awarded a contract to G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093. This project provided localized patch paving, pavement grinding, surfacing paving, and re-stripping on various City streets and parking lots.

This project was completed on time and within the original budget using Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund. The parking lot maintenance portion of the project was funded with Capital funds.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with G. Bortolotto & Company, Inc. for 2015 Asphalt Concrete Street Overlay Program, Project 1093.

F.4 Initiation of the 2016 Weed Abatement Program and setting April 14, 2016 for a public hearing - from Deputy Fire Marshal Guier/ Maintenance Supervisor Hornbeck. (RESOLUTION)

Background/Discussion – The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Marshal. The abatement work consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and remove debris to facilitate the tractor work. There are 139 industrial, residential and commercial parcels that have large areas of vacant ground that host seasonal weeds that could become a fire hazard. These parcels are located throughout the City.

Property owners have the option to make their own arrangements for weed and debris removal. They must get the work completed prior to the schedule set for the City's contractor. The City's contractor is scheduled to perform weed abatement work in May and June. Property owners will be asked to return a pre-paid postcard to the City indicating that they will abate their own weeds. Alameda County Fire Department staff will inspect the properties prior to the abatement of the weeds. This provides sufficient opportunity for the property owners to perform their own work. All properties that the City performs the abatement work on will be assessed the full cost of that work, including administration costs.

If necessary, an additional fall program will be scheduled to abate seasonal weeds, like tumbleweeds and re-growth of weeds that occur during the summer months. Prior to any supplemental fall weed abatement work, the City will provide written notices to the affected property owners. A second public hearing for the fall program is not required.

Attachment

Action - It is recommended that the City Council, by resolution, find and declare that weeds growing on specified properties are seasonal and recurrent nuisances; and rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City of Newark are public nuisances and must be abated and setting April 14, 2016 for a public hearing.

F.5 Authorization for the Mayor to sign an Amendment to extend the Auditing Services Agreement with Badawi & Associates – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Various financing covenants and government grants require an annual audit by an independent Certified Public Accountant (CPA), of the financial transactions and records of the City.

In 2009, the City awarded the contract for independent auditing services to the firm of Caporicci and Larson. This company was acquired by a larger accounting firm and subsequently divided. Since the award of this contract, three (3) different firms have prepared the City's annual audit. The last assignment of the contract was in 2012 to Badawi & Associates. They have satisfactorily prepared four (4) annual audits for the City.

The existing contract expires with the completion of the Fiscal Year 2015 audit. The attached amendment will extend the contract up to two (2) additional years, in one year increments. The City Manager will be authorized to exercise the option for the 2016-17 Fiscal Year.

Attachment

Action - It is recommended that the City Council, by resolution, approve the Amendment to the Agreement between the City of Newark and Badawi & Associates to authorize a two (2) year extension, in one year increments.

NONCONSENT

F.6 Status Report on emergency expenditure for replacement of heater for Lazy River at Silliman Activity and Family Aquatic Center – from Maintenance Supervisor Connolly. (INFORMATIONAL)

Background/Discussion – At the January 14, 2016 City Council meeting, the City Council made a finding and adopted a resolution declaring an emergency existed as a result of heater failure for the Lazy River at Silliman Activity and Family Aquatic Center and the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health or property. The heater failure impacted the ability to control the temperature of the Lazy River, creating a public safety concern.

The California Public Contract Code Section 22050 requires that a report be provided to the City Council after the emergency declaration reporting on the status of the actions related to the expenditure. Following is a current status report for the heater replacement.

Installation of the new heater began on Tuesday, February 16, 2016 and was completed on Thursday, February 18, 2016.

Action – Informational only.

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 February 25, 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.