

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 9, 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:

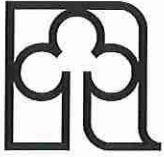
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS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

Thursday, June 9, 2016

- A. **ROLL CALL**

- B. **MINUTES**
 - B.1 **Approval of Minutes of the special City Council meeting of May 19, 2016 and the regular City Council meeting of May 26, 2016. (MOTION)**

- C. **PRESENTATIONS AND PROCLAMATIONS**
 - C.1 **Introduction of employees.**

Background/Discussion – Newly hired City Cashier Betty Valdez and Legal Assistant Lisa Vera will be introduced at the City Council meeting.

 - C.2 **Presentation of Award for the Student of the Year from Snow Elementary School. (PRESENTATION)**

Background/Discussion – The Newark Unified School District has selected Emily Williams as the Student of the Year from Snow Elementary School. The Newark Rotary Club will present a certificate to Ms. Williams at the meeting.

 - C.3 **Proclaiming June as Elder Abuse Awareness Month. (PROCLAMATION)**

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

- D. **WRITTEN COMMUNICATIONS**

E. PUBLIC HEARINGS**E.1 Hearing to consider the release of a covenant of easement for the non-buildable easement located at 39890 Eureka Drive - from Public Works Director Fajeau. (RESOLUTION)**

Background/Discussion – With the recording of Parcel Map 7726 on June 21, 2001, the property owner provided a covenant of easement to the City of Newark for a non-buildable easement over Parcel 1 of said map pursuant to Sections 65870 through 65875 of the California Government Code. This 16-foot by 220-foot non-buildable easement was not intended for use of the general public, but solely to limit construction in the designated area for the benefit of the adjoining Parcel 2.

Parcels 1 and 2 of Parcel Map 7726 are now under common ownership and have been merged into a single legal parcel. The covenant of easement is therefore no longer needed and should be released pursuant to California Government Code Section 65874.

Attachment

Action - It is recommended that the City Council, by resolution, release the covenant of easement for the non-buildable easement located at 39890 Eureka Drive.

E.2 Public Hearing to consider a Resolution increasing the Parks Impact Fee under Government Code Section 66001, repealing the previous fee, and amending the Master Fee Schedule to reflect these changes - Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – In 2013, the Newark City Council approved Resolution No. 10,132 establishing a Park Impact Fee of \$7,460 per residential unit. The fee replaced previous park fees.

Since that time, property valuation and park improvement costs have rapidly escalated. The City commissioned a Park and Recreation Facility Development Impact Fee Study to analyze the appropriate level of the Park Impact Fee. The study was conducted by Keyser Marston Associates Inc. and a copy is attached.

Maximum Legal Fee

The study analyzes the cost of providing parks facilities to future residents. The study's methodology is to multiply the park service standard per person *times* the cost per acre of Park *times* the average household size to calculate maximum fee per housing unit.

City's General Plan Park Service standard is 3 acres per 1000 residents thus .003 acres per person.
x
Cost per acre for completed park was estimated as \$3,198,720
x
3.23 residents per housing unit
=
.003 x \$3,198,720 x 3.23 = \$30,996 per residential unit.

This formula establishes the maximum legal fee that could be assessed. If land is provided by the developer, any such land and dedication shall comply with all applicable standards contained in the Newark General Plan and applicable law, then the cost of land is subtracted from the formula and results in a maximum fee \$7,749 per unit.

Recommended Fee

The Park and Recreation Facility Development Impact Fee Study also analyzed the fees charged by neighboring cities. As can be seen in Appendix Table A-4, the park fees on a 3 bedroom detached home range from \$ 9,709 in Pleasanton; \$23,971 in Fremont; and \$44,673 in Milpitas. In light of the need to be competitive, Keyser Marston Inc. recommended a fee on detached housing of between \$22,000 and \$25,000 per detached dwelling unit.

In order to encourage multi-family construction, as guided by our State certified General Plan Housing Element and regional planning documents, the consultant recommended a fee of \$15,000 to \$18,000 per multi-family unit.

Based on analysis contained in the Park and Recreation Facility Development Impact Fee Study, staff recommends the following Park Fee structure:

Type of Unit	Fees for Projects that Do Not Dedicate Land for Parks	Fees for Projects that Dedicate Land for Parks
Single Family Unit	\$25,000	\$7,500
Multi-Family Units	\$18,000	\$5,300

Fee Indexing

In order to help assure that the proposed fee stays current with park improvement costs the fee would be adjusted annually based on a construction cost index. Furthermore, land acquisition costs would be reviewed every two years and a fee adjustment considered if there have been major changes in land cost.

Application/Effective Date

The Park Impact Fees would not apply to approved projects that have a Development Agreement or Vesting Tentative Map unless the provisions of the documents allow the application of such fees. A credit would be given against this fee for the actual cost of public parks included in a development. The fee would be effective 60 days after the approval of the resolution. (August 8, 2016 if approved on June 9, 2016)

Attachments

Action- Staff recommends that the City Council adopt a resolution increasing the Parks Impact Fee under Government Code Section 66001, repealing the Fee previously established in Resolution No. 10,132, and amending the Master Fee Schedule to reflect these changes.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.4 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 Calling and giving notice of the holding of a General Municipal Election on Tuesday, November 8, 2016, for the election of certain officers of the City of Newark – from City Clerk Harrington. (MOTION)(RESOLUTION)**

Background/Discussion – The City’s next General Municipal Election will be held on November 8, 2016. A Mayor will be elected for a two-year term and two Council Members will be elected for four-year terms. Candidates may file nomination papers from July 18, 2016, through August 12, 2016. Should an incumbent fail to file, then the nomination period would extend to August 16, 2016 for that incumbent’s elective office. The incumbent who did not file would not be eligible to file during the extended period.

The Alameda County Registrar of Voters (ROV) establishes polling places, secures precinct workers, prepares sample and official ballots, provides absentee voting, and tabulates the votes. In order for the ROV to render these services, the City must adopt a resolution requesting the services of the ROV through the Alameda County Board of Supervisors.

The Registrar’s estimate for election services is between \$4.00 and \$6.00 per registered voter. Based on Newark’s current voter registration of 19,711, the estimated cost for the election will be between \$78,844 and \$118,266, plus other publication

printing, translation, and supply costs borne directly by the City. Funds to cover the services provided by the County and other vendors are included in the 2016-2017 fiscal year budget.

Resolution No. 7400 requires the City Clerk to estimate the cost and collect the deposit for the optional Candidate Statement of Qualifications. Candidates are responsible for the actual costs associated with their Statement of Qualifications. Based on the last election, staff has estimated an approximate cost of \$200 per statement. The candidate will be refunded any overage or billed for any additional costs within 30 days of the final invoice from the ROV.

Attachment

Action - It is recommended that the City Council, by motion, approve the estimated cost of \$200 to be paid by each candidate at the time nomination papers are filed for his/her Statement of Qualifications and, by resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 8, 2016, for the election of certain officers; requesting the Alameda County Board of Supervisors to consolidate the General Municipal Election with the General Election to be held on November 8, 2016; and request services of the Registrar of Voters.

F.2 Authorization for the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards, extending the term of said agreement – from Police Chief Leal. (RESOLUTION)

Background/Discussion – On June 12, 2014, the City Council approved an amendment agreement for the extension of school crossing guard services through June 30, 2016. The latest amendment agreement extending their services for one year, through June 30, 2017, was received and reviewed by the City Attorney. All provisions of the original contract will remain in effect, except for a 3.5 percent increase in the crossing guards' hourly rate. The Healthy Workplaces, Healthy Families Act of 2014 was approved by the California Assembly and the Governor and workers began to accrue sick time at a rate of one hour for every 30 hours worked effective July 1, 2015. The current rate of \$16.53/hr. will adjust to \$17.10/hr. commencing with the 2016-2017 school year due to the passage of this part-time employee benefit.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards, extending the term of said agreement.

F.3 Authorization for the Public Works Director to renew the contract with Rosas Brothers Construction for 2016 Curb, Gutter and Sidewalk Replacement, Project 1118 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On April 11, 2013, the City Council awarded a contract to Rosas Brothers Construction for 2013 Curb, Gutter, and Sidewalk Replacement, Project 1042, with options to renew annually for up to three (3) additional years. The contractor is agreeable to renewing the contract for 2016 Curb, Gutter and Sidewalk Replacement, Project 1118 with the contract unit prices adjusted based on the terms of the contract. Specifications allow for the Public Works Director to exercise renewal of the contract if so approved by the City Council. The 2014-2016 Biennial Budget includes full funding for an estimated total project cost of \$300,000.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Public Works Director to renew the contract with Rosas Brothers Construction for 2016 Curb, Gutter, and Sidewalk Replacement, Project 1118.

F.4 Adoption of the 2016-2018 Biennial Budget and Capital Improvement Plan – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Staff is submitting the 2016-2018 Biennial Budget and Capital Improvement Plan to the City Council for adoption. This document was prepared pursuant to the Strategic and Budget Plan adopted in the Five-Year Forecast 2016-2021. The City Council held a work session on May 19, 2016, and conducted a review and discussion of the 2016-2018 Biennial Budget and Capital Improvement Plan. The document was modified to incorporate the unfunded CIP project for the History Museum and other minor edits. The proposed resolution adopting the 2016-2018 Biennial Budget and Capital Improvement Plan provides for expenditures by specific appropriations.

Attachment

Action - It is recommended that the City Council, by resolution, adopt a Budget and a Capital Improvement Plan for the City of Newark for Fiscal Years 2016-2017 and 2017-2018 and providing for the post-auditing of paid demands certified or approved as confirming to such approved budget.

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 9, 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.