



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, October 27, 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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Thursday, October 27, 2016

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, October 13, 2016. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – The following newly hired City employees will be introduced at the City Council meeting: Assistant City Engineer Jayson Imai, Human Resources Technician Jason Tang, and Police Officers Jessica Rivas, Brad Heimer, Omar Pacheco, and Daniel Franke.

C.2 Commending Newark Days Committee members. (COMMENDATION)

Background/Discussion – Newark Days was held September 15-18, 2016, and celebrated the City's 61st birthday. Members of the Newark Days Committee (Committee) volunteer their time and effort to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.

C.3 Presentation by Alameda County representatives on the County's efforts to develop a Community Choice Energy Program. (PRESENTATION)

Background/Discussion – On October 4, 2016 the Alameda County Board of Supervisors voted to approve the creation of a Community Choice Aggregation energy program. Community Choice Energy (CCE) enables local governments to procure and/or develop power on behalf of their public facilities, residents, and businesses. Representatives from Alameda County will provide an update on the CCE process and the next steps being requested of cities.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 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 Authorization for the City to accept a 2016 Byrne Justice Assistance Grant (JAG) award and amend the 2016-2018 Biennial Budget – from Police Chief Leal. (RESOLUTION)**

Background/Discussion – The Alameda County Sheriff's Office applied for the 2016 Byrne Justice Assistance Grant (JAG) local program on behalf of the eligible Alameda County cities and the county for the eleventh consecutive year. The federal JAG program is divided into two allocations, a state allocation and a local allocation. The state may distribute its allocation as they see fit, but the local allocation must be distributed to eligible units of local government in predetermined amounts. Alameda County qualified for a total allocation of \$876,345 this year, which may only be used by agencies to fund any one or more of the following areas: local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice.

The Newark Police Department has been allocated funding in the amount of \$10,163. Approximately \$6,100 will be used to supplement training costs for our SWAT team's participation in the Urban Shield training exercise hosted by the Alameda County Sheriff's Department. This three-day annual event offered both standardized and scenario-based training exercises to a number of first responders from select local, state, federal, national, and international agencies. Due to the continuous nature (72 hours straight), of this training scenario, overtime is required for the participants themselves, as well as for additional officers needed to backfill minimum patrol staffing levels caused by their absence from regular duties. The remaining funds will be used to purchase three WRAP restraint systems which are designed to reduce the possibility of injury and/or death by safely and securely restraining subjects. Our current restraint systems are over 10 years old and new technology has improved safety features (subjects would be in an upright position for oxygen recovery) and offer a more simplistic and quicker application. The purchase of the WRAPs will afford our offices and staff additional protection while dealing with combative subjects.

Attachment

Action - It is recommended that the City Council, by resolution, accept the 2016 Byrne Justice Assistance Grant (JAG) award and amend the 2016-2018 Biennial Budget.

F.2 Initiation of proceedings for the formation of the Landscaping and Lighting District No. 19 for Tract 8085, approval of the Engineer’s Report, declaring intention to order formation of the assessment district and to levy and collect assessments, and set a public hearing date on December 13, 2016 – from Associate Civil Engineer Cangco. (RESOLUTION)

Background/Discussion – CDCG Group Holdings Bayshores LP and William Lyon Homes, Inc, developers of Tract 8085 located on Willow Street between Central Avenue and Seawind Way submitted a petition requesting the formation of Landscaping and Lighting District No. 19. An Engineer’s Report has been prepared and is attached for City Council review. Approval of the Engineer’s Report and adoption of the Resolution will start the required 45-day noticing period. The formation of District No. 19, the improvements, and the levy and collection of assessments will be considered by the City Council at a Public Hearing scheduled for December 13, 2016.

The Landscaping and Lighting Act of 1972 allows local government to finance the costs and expenses of landscaping and lighting of public areas. The formation of Landscaping and Lighting District No. 19 will provide for:

I. The maintenance of the landscaping, landscape irrigation system, and street lighting system within the planter strips, median, and traffic circles on Willow Street, from its intersection with Central Avenue to Seawind Way;

II. The maintenance of an “in-tract” street lighting system along the following public street frontages: Central Avenue, Bayshores Avenue, Seawind Way, Lookout Way, Quiet Cove Way, Spring Tide Road, and Harbor Light Road;

III. The maintenance of trash capture devices located within the “in-tract” public rights-of-way;

IV. The maintenance of the trail area adjacent to Central Avenue and along flood control channel Line F-6;

Maintenance of landscape improvements along the “in-tract” public street frontages within the Tract 8085 will be the responsibility of the developer and eventually the Homeowner’s Association of Tract 8085.

Based on the Engineer’s Report, the maximum assessment for Fiscal Year 2017/18 would be \$87.34 for each single-family unit and \$65.51 for each multi-family unit (i.e. townhomes and condominiums) within Landscaping and Lighting District No. 19, for a total district assessment of \$41,552.34. To cover rising energy and water rates, the maximum assessment rate will be adjusted annually based on the Consumer Price Index or three percent (3%), whichever is greater. The annual assessment rate will be less than or equal to the adjusted maximum assessment rate established for that fiscal year.

In accordance with Proposition 218, a parcel’s assessment for any certain improvement shall be based on the proportional special benefit conferred on that parcel by that improvement. As discussed in the Engineer’s Report, special benefits from the landscape

and lighting improvements within the Willow Street planter strips, median, traffic circles, and the trash capture devices are shared by parcels outside of Landscaping and Lighting District No. 19 as well as those within the District. The City's contribution for the special benefits from the Willow Street Improvements shared by parcels outside of the district is \$9,731.72. Therefore, the total assessment cost with City contribution is \$51,284.06.

Attachment

Action – It is recommended that the City Council, by resolution: (1) initiate proceedings for the formation of Landscaping and Lighting District No. 19 for Tract 8085, (2) approve the Engineer's Report, (3) declare the intention to order the formation of the assessment district and to levy and collect assessments, and (4) set the Public Hearing date on December 13, 2016.

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 October 27, 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.