



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, May 10, 2018

CITY COUNCIL:

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

Michael Carroll
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:

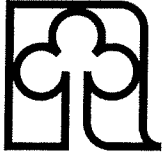
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | K. REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | L. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | M. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | N. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | O. 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, May 10, 2018

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meetings of April 19 and April 26 2018. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming May 20-26, 2018, as National Public Works Week. (PROCLAMATION)**

Background/Discussion – May 20-26, 2018, has been designated National Public Works Week in Newark. A member of the Public Works Department will be at the meeting to accept the proclamation.

- C.2 Proclaiming May 20-26, 2018, as National Emergency Medical Services Week. (PROCLAMATION)**

Background/Discussion – May 20-26, 2018, has been designated National Emergency Medical Services Week in Newark. A member of the Alameda County Fire Department will be at the meeting to accept the proclamation.

- C.3 Proclaiming May 13-19, 2018, as National Police Week. (PROCLAMATION)**

Background/Discussion – May 13-19, 2018 has been designated National Police Week in Newark. A member of the Police Department will be at the meeting to accept the proclamation.

D. WRITTEN COMMUNICATIONS

- D.1 Design Review of four new advanced manufacturing buildings at 7380 Morton Avenue, location of the former Morton Salt Plant – from Associate Planner Mangalam. (RESOLUTION)**

Background/Discussion – Newark Industrial Partners has submitted an application for four new advanced manufacturing buildings located at 7380 Morton Avenue, location of the former Morton Salt Plant (Assessor Parcel Numbers: 537075100603, 537075100604, 092021300201, 092021300300, 092021200201, 092021100201 and 092021000201). The 29.89-acre project site is bounded by Plummer Creek and Central Avenue to the north, the existing Cargill salt plant to the south and east, and industrial uses to the west. The site is bisected by Morton Avenue and is the location of the former Morton Salt Plant (pond site to the north and plant site to the south of Morton Avenue). The project would demolish approximately 160,000 square feet of existing structures. The subject site has General Industrial (GI) designation in both the Zoning and General Plan land use map.

The subject site will be reconfigured into four lots, with buildings 1, 2 and 3 to the north and building 4 to the south of Morton Avenue. Building 1 will be approximately 161,680 square feet on a 7.71-acre lot with 183 parking spaces. Building 2 will be approximately 141,275 square feet on a 6.18-acre with 159 parking spaces. Building 3 will be approximately 76,162 square feet on a 4.85-acre lot with 138 parking spaces. Building 4 will be located to the south side of Morton Avenue with approximately 225,679 square feet in area on a 11.15-acre lot with 254 parking spaces.

The architectural design of the project includes two story lanterns of glass to accentuate the office space at the corners. Clear stories of glazing occur high on the concrete tilt up panels between the corners providing natural light deep into the spaces. Extensive glass around the corners and multiple reveals are used as an additional feature and multi-colored paint composition breaks down the scale of concrete tilt up walls.

The layout of the site was carefully designed so the loading docks are not visible from the public right-of-way. Vehicle access to both parcels would be provided by multiple driveways on Morton Avenue. The north parcel would also be accessed by a new driveway on Central Avenue. Ring roads are laid out around all the buildings to provide easy access to buildings, parking, and loading.

Extensive landscaping will be provided along the perimeter of the site and throughout all parking lots. 273 trees will be planted in addition to numerous shrubs and groundcovers. Meandering sidewalks are proposed on both sides of Morton Avenue.

A traffic study was conducted by Fehrs and Peers to identify adverse impacts of the proposed project on the surrounding transportation system and to recommend mitigation measures. The mitigation measures proposed in the report (copy attached) was accepted by Staff.

A Biological Resource Due Diligence assessment was conducted by Helix Environmental Planning to identify potential constraints related to biological resources on the site and recommendations for avoidance and minimization of potential impacts to resources. The Assessment report was accepted by Staff.

California Environmental Quality Act (CEQA)

Section 21080 of the Public Resource Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. This project is presented to the City Council for a ministerial design review only. Thus, it is exempt from CEQA.

Per Newark Zoning Ordinance Section 17.34.030.B, the Community Development Director may refer items directly to Planning Commission and/or City Council when in his/her opinion the public interest would be better served by having Planning Commission and/or City Council conduct the review. The Community Development Director determined that was the case for this project.

The project will provide economic benefits to the city by generating 300 to 500 full time jobs and helping to fund the construction or needed expansion of offsite capital improvements through the payment of Development Impact Fees. The estimated Development Impact Fees that the applicant will be required to pay to the City total \$2,411,936 as follows: Public Safety Impact fee - \$151,199; Community Service/Facilities Impact fee - \$108,863; Transportation Impact fee - \$1,457,558; Non-Residential Development Housing Impact fee- \$417,309; Art in Public Places and Private Development - \$127,007 and Community Development Maintenance fee - \$150,000.

Update – At its April 24, 2018 meeting, the Planning Commission recommended that the City Council approve, DR-18-4, Design Review for four new advanced manufacturing buildings at 7380 Morton Avenue (APNs 537075100603, 537075100604, 092021300201, 092021300300, 092021200201, 092021100201 and 092021000201).

This project is consistent with all applicable zoning standards and approval of the project is based on design review only. Staff believes that the project makes a positive addition to the community as it will redevelop underutilized land and functionally obsolete buildings into state of art buildings. Staff recommends that the City Council approve the design review for 4 new advanced manufacturing buildings.

Attachments

Action – It is recommended that the City Council approve, by resolution, DR-18-4, a Design Review for four new advanced manufacturing buildings located at 7380 Morton Avenue, the former Morton Salt Plant.

E. PUBLIC HEARINGS

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 Authorization for the Mayor to sign an agreement with the *Tri-City Voice* for legal advertising services for Fiscal Year 2018-2019 – from City Clerk Harrington. (RESOLUTION)**

Background/Discussion – California Government Code requires the City of Newark (City) to print legal notices in an adjudicated newspaper of general circulation. An adjudicated newspaper of general circulation does not exist in the City and the City is legally required to use an adjudicated newspaper that is published nearest the City. The Public Contract Code requires the City to invite bids for legal advertising and award the contract on a fiscal year basis.

The *Tri-City Voice* provided a quote of \$1.25 per line, which is the same amount as the current agreement. Their circulation has remained steady at 4,500 newspapers within the City of Newark.

Staff recommends awarding the agreement to the *Tri-City Voice*. Funds are budgeted in the city departments that place legal advertising in the newspaper.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with the *Tri-City Voice* for legal advertising services for Fiscal Year 2018-2019.

F.2 Acceptance of work with SpenCon Construction, Inc. for 2018 Citywide Accessible Pedestrian Curb Ramps, Project 1167 – from Senior Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On March 22, 2018, the City of Newark awarded a contract to SpenCon Construction, Inc. for 2018 Citywide Accessible Pedestrian Curb Ramps, Project 1167. The project upgraded curb ramps to meet current ADA standards at various locations throughout the City. In order to fully utilize the amount of Transportation Development Act Article 3 (TDA Article 3) funds allocated to the City of Newark for Fiscal Year 2017-18, staff initiated a change order to add three (3) additional curb ramps to the project. A total of 41 curb ramps were upgraded to current standards.

This project was completed on time and within the original budget using a combination of TDA Article 3 special grant funds and Alameda County Measure B/BB Sales Tax funds.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with SpenCon Construction, Inc. for 2018 Citywide Accessible Pedestrian Curb Ramps, Project 1167.

F.3 Acceptance of work with G. Bortolotto & Company, Inc. for the 2017 Asphalt Concrete Street Overlay Program, Project 1141 – from Senior Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On June 22, 2017, the City Council awarded a contract to G. Bortolotto & Company, Inc. for the 2017 Asphalt Concrete Street Overlay Program, Project 1141. This project consisted of localized patch paving, pavement grinding, pavement resurfacing, and re-striping on various City streets.

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.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with G. Bortolotto & Company, Inc. for the 2017 Asphalt Concrete Street Overlay Program, Project 1141.

F.4 Authorization for the City Manager to sign Task Order No. 1 with St. Francis Electric, LLC, for additional traffic signal and street light maintenance services – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion - On June 22, 2017, the City Council approved a Contractual Services Agreement with St. Francis Electric, LLC for on-call traffic signal and street light maintenance services. Due to a high number of street light knockdowns and other increased ongoing maintenance needs during the current fiscal year, a task order modification to the existing contract with St. Francis Electric, LLC, is necessary to increase the total contract value by \$67,000. Although the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 contains sufficient funds designated for traffic signal and street light maintenance services as proposed with this Task Order No. 1, a contractual task order change in excess of \$50,000 is subject to approval by the City Council.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the City Manager to sign Task Order No. 1 with St. Francis Electric, LLC, for additional traffic signal and street light maintenance 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 May 10, 2018. (MOTION)

M. CLOSED SESSIONS

- M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1): *Timothy Jones v. City of Newark, Workers Compensation Appeals Board, Claim # 160300120* – from City Attorney Benoun and Human Resources Director Abe.

Background/Discussion – The City Attorney has requested a closed session to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1).

- M.2 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1): *Hamilton v. City of Newark, Alameda County Superior Court, Case No. RG17867662* – from City Attorney Benoun.

Background/Discussion – The City Attorney has requested a closed session to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1).

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.