

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 28, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager
Terrence Grindall
Assistant City Manager
Sandy Abe
Human Resources Director
Soren Fajeau
Public Works Director
Michael Carroll
Police Chief
David Zehnder
Recreation and Community
Services Director
Kristopher J. Kokotaylo
Interim 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:

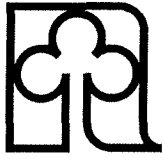
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| 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 28, 2019

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of February 14, 2019.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Introduction of new employees.**

Background/Discussion – Police Officers Mitchell Frentescu and Shawn Torres will be introduced at the City Council meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider approving 21 single-family homes at 6179 Robertson Avenue by: adopting resolutions approving a Planned Development Plan and Vesting Tentative Map 8462, and introducing an Ordinance establishing a Planned Overlay District and a Planned Development Plan – from Assistant City Manager Grindall. RESOLUTIONS (2) ORDINANCE**

Background/Discussion - Lafferty Communities has submitted an application for a 21 single-family home lot subdivision project. The project area is approximately 3.9 acres in size, roughly rectangular in shape, and is surrounded by low density residential. The project site is a partially vacant lot with structures located on the south side, including two houses, a shed, and a large fenced animal containment area. The site is zoned RS-7000 (Single Family Residential) with a Low Density Residential general plan land use designation.

Careful attention was given to the layout of the new lots to provide the streetscape with visual interest and attractiveness and continue the feel of the existing neighborhood. Each home perimeter would include a 6-foot high redwood fence and vehicular access would be off Robertson Avenue, Pomegranate Avenue, and Honeysuckle Drive. This project will extend Pomegranate Avenue and Honeysuckle Drive to the center of the project and end at

back-to-back cul-de-sacs. This would allow pedestrian and emergency vehicle connectivity through the neighborhood but maintain the intimate neighborhood feel by preventing vehicular traffic to pass through Pomegranate Avenue and Honeysuckle Drive.

The project consists of twenty-one new single-family homes with single and two story floor plans. The development will consist of four plan home types. The homes sizes range between 2,368 – 2,999 square feet in size and consist of 3-4 bedrooms, 2.5-3.5 bathrooms, with an attached 2-car garage. Each home was designed with a distinct main entry porch, articulated roof lines, decorative gable ends, and pop-out elements. Exterior materials consist of stone veneer, siding, stucco, trim treatments, decorative doors, wood columns, wood outlookers, and concrete roof tiles. The variety of architecture finishes and textures will complement the existing surrounding neighborhood.

Landscaping will be installed along all street fronts, including the cul-de-sac areas. In total the project will provide 60 new street trees. There will be street improvements completed with this project that include new public street extensions, undergrounding of overhead lines, storm water vaults, fire hydrants, decorative seat walls and gates. In addition to the new 2-car garages, the project will provide 15 on-street parking spaces.

Community Meetings

Community meetings were held by the applicant on August 9, 2018 and August 28, 2018. Notices were sent to property owners within a 400-foot radius around the project site. Twenty-four community members attended the first meeting, and 19 members attended the second meeting. The initial proposal opened up both Pomegranate Avenue and Honeysuckle Drive to allow through vehicular traffic. The community voiced strong objections to connecting the streets and said it would change the feel of their neighborhood. In addition, a petition was received criticizing the through roads. As a result, city staff and the applicant worked together to redesign the project to prevent vehicular traffic to drive through, but allows access for emergency vehicles. Additional amenities, including seat walls and landscaping, were also provided. All attendees and petition signers were notified of the changes, and were notified of the Planning Commission hearing and the City Council hearing. Five residents spoke at the public hearing before the Planning Commission, and all five residents expressed support for the project.

Planned Development (PD) Overlay District Findings

Staff recommends establishing a Planned Development Overlay District for this project. A Planned Development allows for variation from standards on certain plots while maintaining a compatible look and feel to the neighborhood. Flexibility is provided for in Lot 18 in terms of lot size and rear setback and Lot 22 in terms of street frontage and rear setback. The Planned Development allows for addressing these lots while maintaining a quality design and consistent building massing. Pursuant to section 17.12.060 of Newark Zoning Ordinance, a PD Plan shall only be approved if certain findings listed below are made.

The findings given in the draft resolution of approval contain language from the Newark Zoning Ordinance and are supported by the application materials on file, this staff report, and the attached supporting exhibits.

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The general plan land use designation for this site is Low Density Residential, which allows for less than 8.7 units per net acre. The proposed project's density is 5.4 units per net acre, which falls within the allowed density envisioned by the general plan for this site.

- b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The subject site is located in an existing neighborhood that provides adequate transportation facilities and public services for the area. Existing public streets are adequate to accommodate the addition of twenty-one units and the proposal will not affect the existing level of service. The proposed development meets the off-street parking requirements for residential uses as required by Newark Municipal Code. The development will be using existing streets to access the new lots. The project is conditioned to relocate utilities and provide storm drain improvements to ensure the new residential development will not overload existing utilities.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The proposed project is designed to meet what the general plan envisioned for the area and was carefully designed to match the existing surrounding neighborhood, provide additional landscape amenities, and maintain the same scale as the existing homes. In addition, the proposed project will upgrade the surrounding area with right-of-way dedications, undergrounding of existing overhead lines, and provide landscape and public utility easement dedications along all three streets.

- d. *The development generally complies with applicable adopted design guidelines.*

The proposed project was carefully designed to generally comply with all design standards.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The subject site is constrained for development with irregular portions, two street dead-ends, and existing homes. A Planned Development approval will allow for a grander viable project with a restricted site and community requested redesign.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15332, Class 32, In-Fill Development Projects. A biological assessment was prepared by Olberding Environmental, Inc. to ensure this site does not contain any sensitive habitats and will not result in any significant adverse biological impacts. No significant adverse impacts were found by the report.

Update - The Planning Commission held a Public Hearing on this project on January 22, 2019. Community members spoke in support of the redesigned project. No member of the public spoke against the project. After the Public Hearing, the Planning Commission unanimously recommended approval of the project.

Staff believes this project will be beneficial for the City and recommends approval of the proposed twenty-one single-family home subdivision project, subject to the conditions of approval listed in the attached resolutions.

Attachments –

Resolutions (2)

Ordinance

Exhibit A Plan Set, January 14, 2019

Exhibit B Meeting Presentation

Action – It is recommended that the City Council: (1) by resolution approve a Planned Development Plan, to allow for construction of twenty-one single-family homes located at 6179 Robertson Avenue (APNs: 092A-2141-102, 092A-2143-039, 092A-2143-040-01, 092A-2143-040-02, 092A-2143-041, and 092A-2143-042); and, (2) by resolution approve Vesting Tentative Map 8462 and Subdivision and Zoning Variances Thereto; and, (3) Introduce an ordinance establishing a Planned Development Overlay District at 6179 Robertson Avenue (APNs: 092A-2141-102, 092A-2143-039, 092A-2143-040-01, 092A-2143-040-02, 092A-2143-041, and 092A-2143-042)

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Approval to Public Safety Dispatcher classification by amending the Employee Classification Plan and the Memorandum of Understanding between the City of Newark and the Newark Police Association from Police Chief Carroll and Human Resources Director Abe. (RESOLUTIONS – 2)

Background/Discussion – The Police and the Human Resources Departments are recommending the addition of a Lead Public Safety Dispatcher classification. Lead Public Safety Dispatchers would train and provide guidance to less experienced dispatchers, assist with scheduling continuous 24/7 dispatch services, and assist the Shift Sergeant with performance evaluation feedback.

The typical training period for new Public Safety Dispatchers is 18 months. With a flourishing economy, high Bay Area housing costs, and community growth, there is a regional shortage of Public Safety Dispatchers. In the current labor market, most Bay Area dispatcher applicants are new and require extensive training and mentorship from experienced staff.

The existing Newark Police Association Memorandum of Understanding includes an 8% pay differential to compensate experienced, Newark Public Safety Dispatchers for lead direction. CalPERS limits this differential to a maximum of 960 hours per fiscal year (less than half time). Adding the classification of Lead Public Safety Dispatcher enables the Police Department to staff critical operations with experienced staff on a continuous, full-time basis.

To qualify for consideration as a Lead Public Safety Dispatcher requires the following:

- Possession of both the California Peace Officer Standards and Training (POST) Basic Dispatcher Certification and the Intermediate Post Dispatcher Certification.
- A minimum of five years of police dispatching experience.
- Successful completion of the Department of Justice (DOJ) course, “Train the Trainer” within six (6) months of appointment.

The recommended salary range for Lead Public Safety Dispatcher remains unchanged at the existing pay of 8% above the pay rate for Public Safety Dispatcher (\$7,710 to \$9,377 per month). All related staffing costs will be incurred in the Police Department’s existing budget and therefore no budget amendment is necessary.

Attachments

Action - It is recommended that the City Council approve by resolutions: (1) amending Resolution No. 2505, Employee Classification Plan, to add one new class specification entitled Lead Public Safety Dispatcher. and (2) amending Resolution No. 10676, the Memorandum of Understanding Between the City of Newark and the Newark Police Association to add one classification, entitled Lead Public Safety Dispatcher.

NONCONSENT**F.2 Approval of a Contractual Services Agreement with Vanir Construction Management, Inc. to provide professional construction management services for the New Civic Center, Project 1188 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

Background/Discussion – The City is now ready to select a firm to provide construction management services for the New Civic Center project. This firm will provide professional support during the review of the proposals submitted by the three Design Build Entities and the preparation of the construction documents by the Design Build Entity that will be selected in the near future. The firm will also provide a full-time, on-site construction manager during the actual construction of the Civic Center along with part-time professional assistance.

Over 25 requests for proposals were sent to construction management firms. Seven firms responded by submitting proposals. Staff analyzed these seven submittals and invited four firms to be interviewed. At the conclusion of these interviews the firm of Vanir Construction Management, Inc. was selected because of their staff qualifications, staffing capacity, presentation during the interview, and fee. Staff is recommending City Council approve this selection of Vanir Construction Management, Inc. as the construction management firm for the construction of the Civic Center.

Firms responding to the RFP:

Vanir Construction Management, Inc.
APSI Construction Management
Mack 5
Griffin Structures
MCK Americas, Inc.
Jtec HCM. Inc.
Cumming Construction Management, Inc.

Firms that participated in interviews:

Vanir Construction Management, Inc.
APSI Construction Management
Mack 5
Griffin Structures

Firm selected:

Vanir Construction Management, Inc.

Compensation for the scope of service required for the project is a lump sum amount of \$1,034,016. The fees are reasonable for the scope of work proposed and very competitive with the other construction management firms. The project budget has sufficient funding for this contract.

As for the next steps in the New Civic Center project, requests for proposals for construction were sent out to three Design/Build Entities on October 26, 2018. The responses to those proposal requests are due on February 11, 2019. Staff will analyze the proposals and anticipates returning to the City Council in about 60 days with a recommendation for the selection of a Design/Build firm. Staff anticipates some construction activity commencing in late spring with work on the buildings starting in earnest by late summer and completion around spring of 2021.

Attachments

Action – It is recommended that the City Council, by resolution, approve the Contractual Services Agreement in an amount not to exceed \$1,034,016 with Vanir Construction Management, Inc. to provide construction management services for the New Civic Center, Project 1188.

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.

(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.