

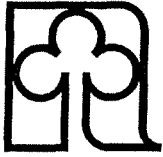
City of Newark

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**CITY COUNCIL
ARBOR DAY TREE
PLANTING NOTICE**

NOTICE IS HEREBY GIVEN that the Newark City Council will plant a tree in celebration of Arbor Day on Thursday, March 28, 2019. The tree will be planted in the turf area towards the back of Civic Center Park located at 6300 Civic Terrace Avenue at approximately 6:30 p.m.

SHEILA HARRINGTON
City Clerk



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, March 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 Council meetings are cablecast live on government access channel 26 and streamed at <http://newarkca.pegsteam.com>.

Agendas are posted pursuant to Government Code Section 54954.2. Supporting materials are available at the Newark Library, in the City Clerk's office or at www.newark.org on the Monday preceding the meeting. For those persons requiring hearing assistance, or other special accommodations, please contact the City Clerk two days prior to the meeting.



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City Administration Building
7:30 p.m.
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AGENDA

Thursday, March 28, 2019

A. ROLL CALL

B. MINUTES

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

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming March 28, 2019, as Arbor Day in Newark. (PROCLAMATION)**

Background/Discussion – In recognition of our continued dedication and commitment to the management of tree resources, the City of Newark has been named a Tree City U.S.A. for the thirty-second consecutive year by the National Arbor Day Foundation. An effective urban tree management program requires an on-going maintenance program, along with a program of renewal that includes planting new trees. In celebration of Arbor Day, a public tree planting will be held before the City Council meeting towards the back of Civic Center Park located at 6300 Civic Terrace Avenue.

Assistant Maintenance Superintendent Neal Hornbeck will accept the proclamation at the meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.7 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 Resolution authorizing the Annual Program Submittal for Measures B and BB funding of Ride-On Tri-City! transportation services – from Recreation and Community Services Director Zehnder. (RESOLUTION)

Background/Discussion – The Alameda County Transportation Commission (ACTC) administers the distribution of Measure B and Measure BB, a combined one cent transportation sales tax which provides funding to the City of Newark to provide transportation services for the elderly and disabled. Each year the City is required to submit an application for funding and a budget to ACTC outlining the transportation services to be offered in the upcoming fiscal year.

ACTC forecasts that the City of Newark will receive approximately \$209,735 in Measure B sales tax revenue and \$129,900 in Measure BB sales tax revenue for Fiscal Year 2019-2020.

In 2013, the City of Newark amended the Joint Powers Agreement with the City of Fremont enabling Fremont to provide transportation services to eligible Newark residents. Eligible Newark residents include those 70 years and older or who are unable to use public transportation independently due to a disability or disabling health condition. Due to the variety of services now available, Fremont and Newark staff re-branded all services as Ride-On Tri-City! Ride-On Tri-City! now provides the following suite of services:

- Specialized Wheelchair-Accessible Van Service: available through pre-scheduled reservations, Monday through Friday, 8:00 am – 6:00 pm, Saturday and Sunday, 9:00 am – 3:00 pm. Service area includes all parts of Fremont, Union City and Newark. Fee is \$4.00 per one-way trip.
- Same Day Taxi Voucher Service: available 24 hours per day, 7 days per week. Riders pay \$4.00 for first \$16.00 of subsidized taxi fare and are responsible for tipping and any rider fare exceeding \$20.00 per trip.
- Same Day Transportation Network Company Service (TNC) through Lyft: available 24 hours per day, 7 days per week via smart phone app or coordinated through Life Elder Care. Riders pay \$4.00 for first \$16.00 of subsidized TNC fare and any amount exceeding \$20.00 per trip.

In addition to these transportation services, Newark riders also receive access to supplemental transportation services offered through the Fremont Human Services Department:

- Tri-City Travel Training Program
- Senior Clipper Card Distribution Program
- Tri-City Mobility Management Program

For these services, the City of Newark will reimburse the City of Fremont at a cost to not exceed \$284,000. This includes a cost per trip billing for all one-way trips as well as monthly administrative fees. The remainder of the funds will be transferred to

operational reserves. Should rider demand be greater than projected, the City of Newark has sufficient Measure B and Measure BB Operational Reserves which can be used to offset additional service costs.

The City will also utilize Measure B and Measure BB funding to subsidize the Life Eldercare, Inc., Meals on Wheels service, which provides over 15,000 home-delivered meals annually to Newark residents. Staff is proposing that the level of funding for Fiscal Year 2019-2020 remain at \$7,000, which is the maximum amount allowed by ACTC.

Attachments – Resolution

Application for Measure B and BB funding

Action – It is recommended that the City Council, by resolution, approve the annual program submittal for Measure B and Measure BB funding for Ride-On Tri-City! transportation services for Fiscal Year 2019-2020.

F.2 Acceptance of work with Rosas Brothers Construction for the 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181– from Senior Civil Engineer Tran. (RESOLUTION)

Background/Discussion – On May 11, 2017, the City of Newark awarded a contract to Rosas Brothers Construction for the 2017 Curb, Gutter, and Sidewalk Replacement, Project 1143 with the option to renew the contract annually for up to three additional one-year terms. On April 12, 2018, the Public Works Director, as authorized under the original project specifications, renewed the contract with Rosas Brothers Construction for the 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181. The project replaced damaged sidewalk, curb and gutter, and completed other concrete repairs at various locations throughout the City.

This project was completed on time and within the original budget using a combination of Alameda County Measure B/BB Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

Attachment - Resolution

Action - It is recommended that the City Council, by resolution, accept the work with Rosas Brothers Construction for the 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181.

F.3 Acceptance of public subdivision improvements for Tract 8212 – Classics at Ruschin, a 77-lot single-family residential subdivision located at 36120 Ruschin Drive – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On December 10, 2015, Classic 36120 Ruschin, L.P., entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8212 – Classics at Ruschin. Classic 36120 Ruschin, L.P., provided a

Performance Bond in the amount of \$4,106,000 and a Materials Bond in the amount of \$2,053,000, both issued by The Guarantee Company of North America USA, to guarantee the public improvements within the Ruschin Drive right-of-way and all private in-tract common area improvements. These bonds were subsequently replaced with bond riders in the amount of 20% following substantial completion of the work. The public improvements included utility connections, undergrounding of overhead services, pavement overlays and replacement sidewalk, curb and gutter and landscaping on Ruschin Drive. Private improvements under the Subdivision Agreement included all private streets, sidewalks, driveways utilities, lighting, storm drain system and stormwater treatment measures, landscaping, and other common area in-tract improvements. All construction is now 100% complete.

Classic 36120 Ruschin, L.P has provided a Warranty Bond in the amount \$411,000 to guarantee the completed subdivision improvements for a one-year maintenance period. In-tract subdivision improvements for the common benefit of all homeowners will be owned and maintained by the Classics at Ruschin Homeowners Association.

Attachment - Resolution

Action – It is recommended that the City Council, by resolution accept the public subdivision improvements for Tract 8212 – Classics at Ruschin, a 77-lot residential subdivision located at 36120 Ruschin Drive.

F.4 Initiation of the 2019 Weed Abatement Program and setting April 25, 2019 for a public hearing - from Deputy Fire Marshal Lee and Assistant Maintenance Superintendent Hornbeck (RESOLUTION)

Background/Discussion – The annual weed abatement program abates weeds on vacant properties that are not properly maintained by property owners to the satisfaction of the Alameda County Fire Department (ACFD) Fire Prevention staff. The program is authorized by, and conducted pursuant to, Government Code Sections 39560, *et seq.* 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 approximately 136 industrial, residential and commercial parcels that have large areas of vacant ground with seasonal weed growth that could develop into a fire hazard if not properly maintained. These parcels are located throughout the City, as shown on Schedule “A”.

Property owners have the option to make their own arrangements for weed and debris removal. They must have the work completed prior to the schedule set for the City’s weed abatement 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. ACFD Fire Prevention 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.

Attachments – Resolution; Schedule “A” - List of Properties for Potential Weed Abatement

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 a time and place for a public hearing.

F.5 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the period ended June 30, 2018 – from Finance Manager Lee. (MOTION)

Background/Discussion – As part of the year-end closing process, staff presents the audited Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018. The financial statements included in this report provide information on the City’s year-end financial condition and the results of operation for the Fiscal Year 2017/18. Badawi & Associates, the City’s independent auditors, audit the report and issued an unmodified “clean” opinion on the report.

The City’s financial statements were prepared according to the requirements of the Government Accounting Standards Board (GASB). The two government-wide financial statements provide a broad view of the City’s financial position and activities in a manner similar to the private sector business reporting. The Statement of Net Position provides information regarding the financial position of the City, including all assets and liabilities and the Statement of Activities provides information regarding the City’s revenues and expenses. In the Transmittal Letter and Management Discussion and Analysis, the Finance Manager provides a narrative overview and analysis of the City’s financial activities and performance during the fiscal year.

A copy of the CAFR has been placed in the Newark Library for public review.

Attachment - CAFR

Action - It is recommended that the City Council, by motion, accept the Comprehensive Annual Financial Report (CAFR) for the period ended June 30, 2018.

F.6 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018 - 2019 for General Revisions and Operating changes – from Finance Manager Lee. (RESOLUTION)

Background/Discussion – Fiscal Year 2018-2019 is the first year in the City’s two-year budget cycle. As part of the mid-cycle budget review, a number of revisions are

proposed to the annual budget. These revisions have been identified where changes have occurred since the adoption of the Biennial Budget in June of 2018.

The budget amendment includes increases to the General Fund program revenue sources, including charges for services, operating grants, and capital grants and contributions. These increases are based on last year's performance, the economic trends, and the estimated year end actuals.

The expenditure modifications to the General Fund operating budget for Fiscal Year 2018-2019 include:

1. An increase to Recreation advertisements.
2. Adding appropriation for Recreation sponsorship expenditures. (There is an offset equal to the same amount as this expenditure appropriation in the revenue section.)
3. Adding appropriation for annual Transaction Use Tax analysis.

In other funds, expenditure modifications are all offset by fund balances in each of those funds. The adjustments to the Special Revenue Funds, Debt Service Fund, and Internal Services Funds include:

1. Adding Francisco and Associates special assessment consulting services.
2. Increase in Police special department supplies.
3. Increase in asphalt concrete overlay contractual services.
4. Adding appropriation for Public Education Government (PEG) broadcasting services for Council and Planning Commission meetings.
5. Adding appropriation for Silliman Center debt payment.
6. Adding appropriation for new postage machine lease and supplies.
7. Increase for Police and Information Systems departmental equipment replacements.

The amendment for Fiscal Year 2018-2019 includes transfers that total \$5,912,000 from the General Fund into the other Governmental Funds, such as the Capital Projects Fund and the Debt Service Fund.

Attachments - Resolution
Exhibit A Budget Amendments

Action - It is recommended that the City Council, by resolution, amend the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018 - 2019.

F.7 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2017-2018 – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – Government Code Section 66006(b) requires that any city that has adopted impact fees provide an annual report on fees collected, interest earned, and the status of planned public improvements to be funded with the fees.

Staff has completed an Annual Report on Newark Impact Fees for Fiscal Year 2017-2018. The report contains all information required by Government Code Section 66006(b) and has been noticed and distributed accordingly.

Attachment - Annual Report

Action - It is recommended that the City Council, by motion, accept the Annual Report on Newark Development Impact Fees for Fiscal Year 2017-2018 in accordance with Government Code Section 66006(b).

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.