



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, July 27, 2017

CITY COUNCIL:

Alan L. Nagy, Mayor
Mike Buccì, Vice Mayor
Luis L. Freitas
Suey Collazo
Michael K. Hannon

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:

- | | |
|-------------------------------------|-------------------------|
| 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, July 27, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 13, 2017. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of Employees.

Background/Discussion – Human Resources Technician Phalatsamy Huyn and City Cashier Alexis Cross will be introduced at the City Council Meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments – from Maintenance Supervisor Hornbeck. (MOTION)(RESOLUTION)**

Background/Discussion – The Superintendent of Streets' report on the 2017 Weed Abatement Program is submitted pursuant to Resolution No. 10,601 adopted by the City Council on March 23, 2017. The report showing the assessments for the fall 2016 and the spring 2017 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing. As of July 19, 2017, no written objections have been received.

On April 27, 2017, the City Council directed the Superintendent of Streets to abate weeds on 151 parcels of land. Subsequent to notification, private property owners cleared 137 parcels and the City's contractor cleared 14 parcels. This year, the assessments ranged from \$124 to \$1,008. The lowest cost is for a vacant property that requires minimal work. The highest cost was for a property that required tractor work. There were no additional

supplemental lot clearings for the 2016 fall abatement work included in this year's assessments. The combined total for all assessments was \$6,587.

Attachment

Action - It is recommended that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2017 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments.

F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.11 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 Initiation of proceedings for annexation of Tract 8157 to Zone 2 - Lighthouse of Landscaping and Lighting District No. 19, approval of the Preliminary Engineer's Report, declaration of intention to order annexation of Tract 8157 to the assessment district and to levy and collect assessments, and setting of public hearing date on September 14, 2017 – from Assistant City Engineer Imai. (RESOLUTION)**

Background/Discussion – On December 13, 2016 the City Council approved the formation of Landscaping and Lighting District No. 19 (Resolution No. 10,585), located to the west of Willow Street between Seawind Way and Central Avenue. Lennar Homes of California, Inc., developer of Tract 8157, located on the northwestern corner of the intersection of Willow Street and Seawind Way, has submitted a petition requesting annexation to Landscaping and Lighting District No. 19.

Because the landscaping and lighting improvements associated with Tract 8157 will provide a different level of service and benefit to the parcels within Tract 8157 than to the parcels currently within Landscaping and Lighting District No. 19, Tract 8157 will annex to, or join, Landscaping and Lighting District No. 19 as "Zone 2 – Lighthouse" to differentiate it from the existing parcels (Zone 1). A separate assessment rate will be calculated for each zone based on the distinct level of service and benefit provided to each zone by the landscaping and lighting improvements within Landscaping and Lighting District No. 19.

A Preliminary Engineer's Report has been prepared and is attached for City Council review. The annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19 and the levy and collection of assessments is recommended for consideration by the City Council at a Public Hearing on September 14, 2017. Approval

of the Preliminary Engineer's Report and adoption of a Resolution would start the required 45-day noticing period for the Public Hearing.

The Landscaping and Lighting Act of 1972 allows local government to finance the costs and expenses of landscaping and lighting of public areas. Annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19 would 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 Seawind Way to the northern boundary of Tract 8157
- II. The maintenance of the street lighting system along the Seawind Way frontage of Tract 8157
- III. The maintenance of a trash capture device located along the Seawind Way frontage of Tract 8157

All roads and alleyways internal to Tract 8157 are private streets. Maintenance of landscape improvements along all private street frontages within Tract 8157 will be the responsibility of the developer and eventually the Homeowner's Association of Tract 8157.

Based on the Preliminary Engineer's Report, the maximum assessment for Fiscal Year 2017/18 for Zone 2 – Lighthouse would be \$52.62 for each multi-family unit (i.e. townhomes and condominiums) within Tract 8157, for a total district assessment of \$3,472.96. To cover rising energy and water rates, the maximum assessment rate would be adjusted annually based on the Consumer Price Index or three percent (3%), whichever is greater. The annual assessment rate would 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 landscaping and lighting improvements within the Willow Street planter strips, median, traffic circles, and trash capture devices are shared by parcels outside of Zone 2 – Lighthouse 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 \$1,602.23. Therefore, the total assessment cost with City contribution would be \$5,075.19.

Attachment

Action – It is recommended that the City Council, by resolution: (1) initiate proceedings for the annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19, (2) approve the Preliminary Engineer's Report, (3) declare the intention to order the annexation of Tract 8157 to the assessment district and to levy and collect assessments, and (4) set the Public Hearing date on September 14, 2017.

F.2 Initiation of proceedings for annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19, approval of the Preliminary Engineer’s Report, declaration of intention to order annexation of the Senior Housing Project to the assessment district and to levy and collect assessments, and setting of public hearing date on September 14, 2017 – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – On December 13, 2016 the City Council approved the formation of Landscaping and Lighting District No. 19 (Resolution No. 10,585), located to the west of Willow Street between Seawind Way and Central Avenue. USA Properties Fund, Inc., developer of the Senior Housing Project, located along the west side of Willow Street between Enterprise Drive and Seawind Way, has submitted a petition requesting annexation to Landscaping and Lighting District No. 19.

Because the landscaping and lighting improvements associated with the Senior Housing Project will provide a different level of service and benefit to that development than to the parcels currently within Landscaping and Lighting District No. 19, the Senior Housing Project will annex to, or join, Landscaping and Lighting District No. 19 as “Zone 3 – Senior Housing” to differentiate it from the existing zones. A separate assessment rate will be calculated for each zone based on the distinct level of service and benefit provided to each zone by the landscaping and lighting improvements within Landscaping and Lighting District No. 19.

A Preliminary Engineer’s Report has been prepared and is attached for City Council review. The annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19 and the levy and collection of assessments is recommended for consideration by the City Council at a Public Hearing on September 14, 2017. Approval of the Preliminary Engineer’s Report and adoption of a Resolution would start the required 45-day noticing period for the Public Hearing.

The Landscaping and Lighting Act of 1972 allows local government to finance the costs and expenses of landscaping and lighting of public areas. Annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19 would provide for:

I. The maintenance of the landscaping and landscape irrigation system within the planter strips and median on Willow Street, between the project site’s northern and southern boundaries.

All on-site landscape improvements within the Senior Housing Project will be the responsibility of the developer.

Based on the Preliminary Engineer’s Report, the maximum assessment for Fiscal Year 2017/18 for Zone 3 – Senior Housing would be \$42.11 for each multi-family unit (i.e. townhomes, condominiums or apartments), for a total assessment of \$2,368.68. To cover rising energy and water rates, the maximum assessment rate would be adjusted annually based on the Consumer Price Index or three percent (3%), whichever is greater. The

annual assessment rate would 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 landscaping and lighting improvements within the Willow Street planter strips, median and traffic circle are shared by parcels outside of Zone 3 – Senior Housing 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 \$475.14. Therefore, the total assessment cost with City contribution would be \$2,843.82.

Attachment

Action – It is recommended that the City Council, by resolution: (1) initiate proceedings for the annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19 for, (2) approve the Preliminary Engineer's Report, (3) declare the intention to order the annexation of the Senior Housing Project to the assessment district and to levy and collect assessments, and (4) set the Public Hearing date on September 14, 2017.

- F.3 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, provide police services for traffic control and waive fees related to the parade and race, and waive fees for use of the Community Center and MacGregor Playfields, with the exception of the fees required for the Building Attendant and janitorial services – Assistant Engineer Carmen and Police Sergeant Hoppe. (MOTIONS-3)**

Background/Discussion – The annual Newark Days Parade and Newark Mile Race will be held on Saturday, September 16, 2017. The routes for the parade and race will be the same as last year. Newark Days Celebration, Inc. has requested that the City: (1) issue a no-fee encroachment permit for the parade and race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception of the fees required for the Building Attendant and janitorial services.

Attachment

Action – It is recommended that the City Council, by motions: (1) authorize staff to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with the exception to the fees required for the Building Attendant and janitorial services.

F.4 Authorization for the purchase of two (2) 2018 Ford Fusions as replacement vehicles for the Alameda County Fire Department from Elk Grove Ford and outfitting by Signs by Randy – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion – The Alameda County Fire Department is in need of two (2) replacement vehicles that have reached the end of their useful lives. The 2016-2018 Biennial Budget and Capital Improvement Plan includes funding for vehicle replacements in the amount of \$56,000 as part of the Equipment Replacement Budget. Staff requested a quote from Fremont Ford for fleet pricing and determined that the pricing was cost prohibitive. Authorization is requested to participate in an intergovernmental procurement process for the purchase of two (2) 2018 Ford Fusions.

An intergovernmental procurement process (also known as a “piggybacking”) is an alternative option to Newark’s formal bidding process. By piggybacking onto another agency’s contract, the City would save the cost and time associated with the formal bid process but be able to be assured of competitive set prices established by another agency’s formal bidding process. Upon completion of a formal bidding process, the State of California entered into a master contract and a procurement contract with Elk Grove Ford for the purchase of new vehicles. This contract is in effect through February 21, 2018, and includes a provision to allow other agencies to participate.

The competitive process used by the State of California has been reviewed by the Public Works Department and satisfies the City’s requirements for the proposed vehicle purchases.

Based upon the State of California contract with Elk Grove Ford, the combined purchase cost for the two vehicles will be \$50,000. The purchase cost does not include outfitting of the vehicles which is estimated not to exceed \$6,000 combined for both vehicles. The outfitting is based on specialized vendor quotes for the installation of Alameda County Fire Department logos.

Action - It is recommended that the City Council, by resolution, authorize the purchase of two (2) 2018 Ford Fusions as replacement vehicles for the Alameda County Fire Department from Elk Grove Ford and outfitting by Signs by Randy.

F.5 Authorization for the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda from Accounting Manager Lee and City Attorney Benoun. (RESOLUTION)

Background/Discussion – The City currently has an agreement with Alameda County which authorizes the collection of various taxes, assessments, and fees on the secured property tax roll. Since the passage of Proposition 218 in 1996, the County has required that each agency or district sign an annual statement certifying that each assessment, fee, and/or special tax placed on the tax rolls meets the requirements of Proposition 218.

Staff has reviewed each of the City's taxes, assessments, and fees to ensure compliance with the proposition. It is the opinion of the City Attorney that the City's taxes, assessments, and fees are in compliance with Proposition 218 requirements and the City is able to sign the certification.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda.

F.6 Authorization for the purchase of a replacement aquatic play structure at the Silliman Family Aquatic Center, declaration of Whitewater West Industries, Ltd. as the single source manufacturer, and amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 – from Recreation and Community Services Director Zehnder and Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – An extensive maintenance project is planned during the upcoming winter season at the Silliman Family Aquatic Center to re-plaster the lap pool, lazy river, and activity pool, and complete other important maintenance work. As part of this project, staff is recommending that the existing children's interactive aquatic play structure in the activity pool be removed and replaced with a new play structure at the same location. The play structure is a key feature of the award-winning Aquatic Center. The existing structure is an original piece of equipment and is now 13 years old. The unit has sustained damage to the primary vertical support members as well as extensive aesthetic damage to various interactive elements and other components. This damage is primarily due to the typical corrosive nature of an indoor, chlorinated pool environment and the fact that the unit's structural members are in constant contact with the water.

The original play structure is a model AP(AquaPlay)-350 manufactured by Whitewater West Industries, Ltd. The Aquatic Center activity pool was designed and built to accommodate this specific model with concrete floor footing locations and all associated plumbing infrastructure established accordingly. The most cost-effective approach for replacement of the play structure is to install a new structure with matching or very similar structural components and plumbing requirements. Any new structure that varies from the original design would require extensive footing and plumbing modifications that would add significantly to the cost for replacement. Given the typical lead times from all North American manufacturers, it is desirable to order the replacement aquatic play structure in advance of letting a contract out to bid for the maintenance project to ensure that the structure is available for installation during the designated project timeframe.

The City recently entered into a contract with Aquatic Design Group for design consultant services to assist with the upcoming maintenance project at the Aquatic Center. Aquatic Design Group has extensive experience and a high level of expertise in the design and placement of aquatic play structures for both indoor and outdoor

facilities. The consultant reviewed the original activity pool design and the existing AP-350 play structure in advance of a detailed analysis of the North American market for suitable replacement play structures. Standard models were reviewed from all of the major aquatic play structure manufacturers, including Water Odyssey and Fountain People, Inc., Waterplay Solutions Corp., Whitewater West Industries, Ltd., and Vortex Aquatic Solutions International, Inc.

Based on Aquatic Design Group's analysis, the AP-350 model by Whitewater West Industries, Ltd. was determined to be the most suitable replacement structure. Purchase costs for the most similar structures from each of the other manufacturers are approximately the same as the AP-350. However, the AP-350 is the only structure available in the North American market with a basic design and footprint that corresponds with the existing concrete floor footings and plumbing infrastructure in the activity pool. Structures from any of the other manufacturers would require extensive pool floor demolition, removal and replacement, new concrete footings, and plumbing alterations that would add significant time and cost to the project. It is estimated by Aquatic Design Group that these modifications would increase the overall replacement cost of the structure by at least \$150,000. As a result, staff is recommending purchase of a new AP-350 model from Whitewater West Industries, Ltd. at this time. Furthermore, given the identified constraints of the Aquatic Center activity pool infrastructure and the lack of any other viable aquatic play structure options, staff is recommending that Whitewater West Industries, Ltd. be declared a single source manufacturer for this purchase.

In accordance with the Single Source Exemption in the City's Purchasing Ordinance, formal bidding procedures are not required in the event the City Council, by resolution, makes certain findings and declarations that:

1. Formal bids would work an incongruity and would be unavailing in affecting the final results; and
2. Formal bids would not produce an advantage to the City; or,
3. It is practically impossible to obtain what is required through the formal bidding process; or,
4. The product sought, or a significant portion thereof, is the subject of a patent and cannot be purchased from any source other than the holder of the patent.

The single source exemption is appropriate for this recommended purchase under paragraphs 1., 2., and 3. There is only one manufacturer to provide a suitable replacement aquatic play structure. Since that is the case, it is incongruous, or not appropriate, to require a formal bid for the purchase since only one manufacturer could bid and it would be useless (unavailing), failing to achieve the desired result (i.e. competitive, multiple bids assuring the best use of public funds). Formal bids would not produce an advantage to the City, but would instead result in an extraneous use of

public funds to lead to the same result. It is impossible, in a practical sense, to obtain competitive bids through a formal bidding process since only a single manufacturer could meet the City's needs for replacement of the play structure.

As previously noted, it is desirable to purchase the replacement aquatic play structure in advance of letting the maintenance project out to a formal public works bid, thereby ensuring that the City has ownership of the equipment for the targeted project timeframe this winter. The purchase and delivery price for the themed AP-350 aquatic play structure is \$370,000. This price also includes manufacturer's certification as required by the California Department of Occupational Safety and Health. The structural components of the new play structure would be made of stainless steel which would provide a much longer anticipated lifespan compared to the original structure. Recreation and Community Services Department and Public Works Department staff would coordinate the play structure's detailed features and themes with the project consultant and manufacturer prior to actual purchase.

The 2016-2018 Biennial Budget and Capital Improvement Plan listed the Activity Pool Play Structure Replacement as an unfunded project and therefore a budget amendment would be necessary for this equipment purchase. It is recommended that Capital Improvement Fund Reserves be utilized.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the purchase of a replacement aquatic play structure at the Silliman Family Aquatic Center, declare Whitewater West Industries, Ltd. as a single source manufacturer, and amend the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018.

F.7 Authorization for the City Manager to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for use of the Jerry Raber Newark Ash Street Park Building #1 for the operation of a food and clothing distribution center – from City Manager Becker. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #1 by the Viola Blythe Community Service Center of Newark expired on June 30, 2017. Viola Blythe Community Service Center wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. A share of the utility cost will be paid on a bi-annual basis. The Center provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional year, through June 30, 2018, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a Lease Agreement with Viola Blythe Community Service Center of

Newark, Inc. for lease of the Ash Street Park Building #1 for the operation of a food and clothing distribution center.

F.8 Authorization for the City Manager to sign a Lease Agreement with Child, Family, and Community Services, Inc. for use of the Jerry Raber Newark Ash Street Park Building #2 for the operation of a Head Start Preschool Program – from City Manager Becker. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #2 by the Child, Family, and Community Services, Inc. expired on May 31, 2017. Child, Family, and Community Services, Inc. wishes to enter into a new one-year Agreement for this upcoming school year. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. A share of the utility cost will be paid on a bi-annual basis. The Center provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional school year, commencing August 14, 2017 through June 8, 2018, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a Lease Agreement with Child, Family, and Community Services, Inc. for lease of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool Program.

F.9 Authorization for the City Manager to sign an Agreement with Alameda County for Additional Library Services – from City Manager Becker and City Attorney Benoun. (RESOLUTION)

Background/Discussion – The current Agreement for Additional Library Services expired on June 30, 2017. A new agreement has been prepared, the conditions of which remain essentially the same as last year. The County agrees to provide four additional open hours of library service each Sunday per week at the Newark Branch Library. In exchange, the City agrees to pay the County in quarterly payments for a total of \$105,000 for the year. The Library provides a valuable service to the community and staff recommends that the City Council authorize the City Manager to sign the agreement for an additional year, through June 30, 2018.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign the Agreement with Alameda County for Additional Library Services.

F.10 Authorization for the Mayor to Sign the Second Amendment to Lease Agreement with County of Alameda for reimbursement of janitorial services – from Maintenance Supervisor Connolly and City Attorney Benoun. (RESOLUTION)

Background/Discussion – In 2015, the City Council authorized the Mayor to sign a five year lease with County of Alameda for lease of the Newark library facility that is owned by the City. The lease obligates the City to provide janitorial services for the building, subject to reimbursement from the County.

Last year, the City entered into a janitorial services agreement with SWA Services Group, Inc., which increased the level of janitorial service in City owned buildings that are open to the public. Maintenance staff consulted with County staff and the County agreed to reimburse the City for the higher standard of janitorial services. A first amendment to the lease was authorized by the Council to provide for reimbursement of the janitorial services and a plumbing expense. The current amendment expired on June 30, 2017.

Maintenance staff has consulted with County staff and the County has agreed to reimburse the City for the current cost of increased janitorial services for an additional year, through June 30, 2018.

Attachments

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign the Second Amendment to Lease Agreement with County of Alameda for reimbursement of janitorial services.

F.11 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 to add six additional Capital Improvement Projects – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – During the annual review of capital projects for Fiscal Year 2017-2018, a need has been identified to amend the 2016-2018 Biennial Budget and Capital Improvement Plan to add six additional projects. Four of the projects are the design phase of priority projects identified in the recently adopted Citywide Parks Master Plan (Newark Community Dog Park, Birch Grove Dog Park, Sportsfield Skate Park, and Sportsfield All-Weather Turf Fields with Pathway). The other two projects are park tree pruning projects.

The cost of the additional projects are \$744,000. The park projects will be paid from the Park Impact Fee account and the tree pruning projects will be paid from the Capital Improvement Fund.

Exhibit A outlines the projects and appropriations for Fiscal Year 2017-2018.

Attachment

Action - It is recommended that the City Council, by resolution, amend the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 Capital Budget for project additions.

NONCONSENT

- F.12 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Sections 17.20.030, 17.020.040, 17.24.030 and 17.24.040 to require distribution and warehouse uses to go through the Conditional Use Permit process – from City Clerk Harrington and Deputy Community Development Director Interiano. (ORDINANCE)**

Background/Discussion – On July 13, 2017 the City Council introduced an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Section 17.20.030, 17.020.040, 17.24.030 and 17.24.040.

The ordinance will remove “Distribution and Warehousing Uses” as a permitted use in the General Commercial, Intermediate Commercial, High Technology Park, Industrial Technology Park, Industrial Park, Limited Industrial, and General Industrial Zoning Districts and add “Distribution and Warehouse Uses” as a conditional use in the General Commercial, Intermediate Commercial, High Technology Park, Industrial Technology Park, Industrial Park, Limited Industrial, and General Industrial Zoning Districts with the aim of establishing the appropriate process to determine potential negative impacts associated with Distribution and Warehouse Uses. At the first reading of the ordinance, the City Council extended the time before a nonconforming use would be considered abandoned from 7 years to 10 years. The attached ordinance includes that revision and requires a second reading.

Attachment

Action – Staff recommends that the City Council adopt an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Section 17.20.030, 17.020.040, 17.24.030 and 17.24.040.

- F.13 Approving the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan: Volume 1 and Newark’s portion of Volume 2 - from Assistant City Manager Grindall. (RESOLUTION)**

Background/Discussion – In 2016, the cities of Union City and Newark and special districts within their operational areas embarked on a planning process to prepare for and lessen the impacts of specified natural hazards by creating the Union City/Newark Multijurisdictional Hazard Mitigation Plan. Responding to federal mandates in the Disaster Mitigation Act of 2000 (Public Law 106-390), the partnership was formed to pool resources and to create a uniform hazard mitigation strategy that can be consistently applied to the defined planning area and used to ensure eligibility for

specified grant funding success. The cities of Union City and Newark entered into an agreement with Tetra Tech, Inc. to facilitate the development of the Plan.

This effort represents the third comprehensive update to the initial hazard mitigation plan, approved by the Federal Emergency Management Agency (FEMA) in November of 2005 and developed in partnership with the Association of Bay Area Governments (ABAG), as well as a return to a truly regional effort following the 2010 planning process. The 5 member coalition of partners involved in this program includes; Union City, Newark, Alameda County Water District, Union Sanitary District and Newark Unified School District. The planning area for the hazard mitigation plan was defined as the Union City/Newark Operational Area. The result of the organizational effort is a FEMA and California Office of Emergency Services (CalOES) approved multi-jurisdictional, multi-hazard mitigation plan.

Mitigation is defined in this context as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability, and minimize post-disaster community disruption.

The hazard identification and profiling in the hazard mitigation plan addresses the following hazards of concern within the planning area:

1. Dam failure
2. Drought
3. Earthquake
4. Flood
5. Landslide
6. Severe weather
7. Tsunami
8. Wildfire

Climate change is incorporated as a summary assessment of current and anticipated impacts for each identified hazard of concern.

With the exception of dam failure, this plan does not provide a full risk assessment of human-caused hazards. However, brief, qualitative discussions of the following hazards of interest are included: terrorism, cyber threats, hazardous materials release, pipeline and tank failure, and airline incidents.

A Planning Team consisting of local officials has taken the lead in developing the hazard mitigation plan. All participating local jurisdictions have been responsible for assisting in the development of the hazard and vulnerability assessments and the

mitigation action strategies for their respective jurisdictions and organizations. The Plan presents the accumulated information in a unified framework to ensure a comprehensive and coordinated plan covering the entire Union City/Newark Operational Area. Each jurisdiction has been responsible for the review and approval of their individual sections of the Plan.

Additionally, the plan has been aligned with the goals, objectives and priorities of the State's multi-hazard mitigation plan.

A 16 member Steering Committee (SC) composed of representative stakeholders was formed early in the planning process to guide the development of the Plan. In addition, residents were asked to contribute by sharing local knowledge of their individual area's vulnerability to natural hazards based on past occurrences. Public involvement has been solicited via a comprehensive public outreach campaign that included two rounds of public meetings, web-based information, a questionnaire, and multiple social media updates.

Benefits of Plan Adoption

Once the hazard mitigation plan is adopted by all of the jurisdictional partners and approved by FEMA, the partnership will collectively and individually become eligible to apply for hazard mitigation project funding from both the Pre-Disaster Mitigation Grant Program (PDM) and the Hazard Mitigation Grant Program (HMGP). The Pre-Disaster Mitigation Grant Program is a competitive grant program which provides funds to State, Tribal, and local governments for pre-disaster mitigation planning and projects primarily addressing natural hazards. Cost-Effective pre-disaster mitigation activities reduce risk to life and property from natural hazard events before a natural disaster strikes, thus reducing overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. The Hazard Mitigation Grant Program (HMGP) is authorized under Section 404 of the Stafford Act, the program administered by FEMA provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

Next Steps

Upon adoption of Volume I and Newark Annex of Volume II of the Union City/Newark Multijurisdictional Area Hazard Mitigation Plan Update (HMP), Newark will be eligible to apply for specified grants. The attached Local Hazard Mitigation Plan has been approved by Cal OES and FEMA. The grant funds are made available to states and local governments and can be used to implement the long-term hazard mitigation measures specified within the City's annex of the HMP before and after a major disaster declaration. The HMP is considered a living document such that, as awareness of additional hazards develops and new strategies and projects are

conceived to offset or prevent losses due to natural disasters, the HMP will be evaluated and revised on a continual 5-year time frame.

In a future action Staff will bring a General Plan Amendment forward to formally include the Mitigation Plan in the City's General Plan.

Attachments

Action - Staff recommends that the Council, by resolution, adopt the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan: Volume 1 and the Newark specific portion of Volume 2.

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 July 27, 2017. (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.