

CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA

Thursday, October 12, 2017

CITY COUNCIL:

Alan L. Nagy, Mayor
Mike Bucci, Vice Mayor
Luis L. Freitas
Suky 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:

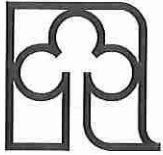
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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, October 12, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of September 28, 2017.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Newly hired Police Officer Travis Lenz and recently promoted General Maintenance Worker Hernan Flores will be at the meeting to be introduced to the City Council.

C.2 Proclaiming October 25, 2017 as Unity Day. (PROCLAMATION)

Background/Discussion – October 25, 2017 is Unity Day, a day that promotes bullying awareness and prevention. A proclamation has been prepared and members of the Silliman Activity and Family Aquatic Center will accept it at the City Council meeting.

C.3 Proclaiming October as National Domestic Violence Awareness Month and Presentation from Shelter Against Violent Environments. (PROCLAMATION/PRESENTATION)

Background/Discussion – October is National Domestic Violence Awareness Month. A proclamation has been prepared and members of Shelter Against Violent Environments (SAVE) will accept it at the City Council meeting. Dr. Yasi Safinya-Davies, Executive Director of SAVE will be giving a presentation in conjunction with the proclamation.

D. WRITTEN COMMUNICATIONS

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 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark (Continued from September 28, 2017) – from City Manager Becker and City Attorney Benoun. (ORDINANCE)**

Background/Discussion – On September 14, 2017 the City Council introduced an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark. The ordinance would require special event hosts to obtain a permit from the City before the event begins so that these events can be better planned and regulated.

On September 28, 2017, during the second reading of the ordinance, Council Member Hannon requested a number of changes to the ordinance including: adding the posted occupancy load to the “Special Event” definition in Section 5.40.020, adding property owners as a responsible party under Section 5.40.030, including property owner contact information and the proposed location of amplified music under Section 5.40.040, adding evidence of food and alcohol permits at least 72 hours before the event under Section 5.40.060.

The City Council continued the adoption of the ordinance to the October 12, 2017 City Council meeting and directed staff to incorporate the requested changes to the ordinance. The ordinance is attached and is redlined to show the specific amendments.

Attachments

Action – Staff recommends that the City Council adopt an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark.

- F.2 Amending City of Newark Records Retention Schedule – from City Clerk Harrington. (RESOLUTION)**

Background/Discussion –The main purpose of the Records Retention Schedule is to ensure that City records are maintained in accordance with federal, state and local

codes. The schedule provides regulations and guidelines for records management and ensures that records are not destroyed prematurely.

The current schedule was adopted in 2008 and has been amended three times. Staff is once again recommending changes to the schedule. The detailed changes are attached to the resolution; underline font show additions, strikethrough font show deletions. The major proposed changes include:

Finance

Utility Users Tax Exemption records have been added. The records will be maintained for the life of the exemption plus two years.

Police

Ride Along requests and volunteer record categories have been added.

City Manager

In 2002, the City acquired Laserfiche for the electronic retention of important documents. Prior to the implementation of Laserfiche, the City Clerk had an extensive paper filing system that is no longer maintained. Those categories of records have been removed. Additionally records of the same type have been combined into simpler categories.

Recreation and Community Services

Records related to programs that are no longer offered have been removed. The records associated with the registration process have been combined into one general category instead of a separate category for each step of the process. A new security camera system was installed at the Silliman Center last year and those recordings have been added to the schedule.

Records will be maintained and destroyed in accordance with the approved retention schedule. The destruction of records is subject to the review and consent of the City Clerk, City Attorney, and Department Head.

Attachment

Action - It is recommended that the City Council, by resolution, amend the City of Newark Records Retention Schedule.

F.3 Approval of the Senate Bill 1 Road Repair and Accountability Act of 2017 Fiscal Year 2017-18 Project List, and amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-18 – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – In April 2017, the State Legislature passed and Governor Brown approved Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. SB1 established the Road Maintenance and Rehabilitation Program and provides a

significant, stable and ongoing increase in state transportation funding to address deferred maintenance on the state highway and local streets and road systems. Funds for the program are deposited into the State Transportation Fund, Road Maintenance and Rehabilitation Account (RMRA). The RMRA receives funds through increased gasoline excise taxes, diesel fuel sales taxes, and vehicle registration fees.

SB1 is projected to generate over \$5 billion annually for state and local transportation improvements. Cities and counties are slated to receive \$1.5 billion at full implementation of SB1. Allocations of funds to cities will be based upon population.

It is projected that the City of Newark will receive approximately \$758,000 of RMRA funds each year. However, because SB1 tax increases will not take effect until November 1, 2017, for Fiscal Year 2017-18 it is projected that the City of Newark will receive \$252,746 of RMRA funds. This funding is in addition to the Highway Users Tax Account (or Gas Tax) funds the City receives annually.

In order to receive RMRA funds from the state, SB1 requires the City to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds, pursuant to an adopted budget. RMRA funds are required to be used towards projects which include, but are not limited to:

- Road maintenance and rehabilitation
- Safety improvements
- Railroad grade separations
- Traffic control devices
- Complete Street components, which include active transportation elements, pedestrian and bicycle safety improvements, transit facilities, and drainage and storm-water capture measures in conjunction with other allowable projects

For Fiscal Year 2017-18, staff recommends that City Council approve the following RMRA project list:

City Project No.	Project Title
1130	Citywide Accessible Pedestrian Ramps
1135	Citywide Street Signs
1159	Thermoplastic Street Striping
1178	2018 Street Patch Paving Program
1179	2018 Asphalt Concrete Overlay Program
1180	2018 Street Slurry Seal Program
1181	2018 Sidewalk, Curb and Gutter Replacement
1182	Traffic Calming Measures

This project list is neither binding nor inclusive. Including a project on the list does not obligate the City to complete the project nor does it limit the flexibility of the City to use RMRA funds toward projects not originally included on the list, so long as the project meets the eligibility criteria listed above.

A budget amendment is necessary to include the \$252,746 of anticipated RMRA funds for Fiscal Year 2017-18 in the 2016-2018 Biennial Budget, deposited into Account No. 201-000-3431. RMRA funding in future years will be included as part of the City's Biennial Budget and Capital Improvement Plan adoption process.

Attachments

Action – It is recommended that the City Council, by resolution: 1) approve the Road Repair and Accountability Act of 2017 Senate Bill 1 Fiscal Year 2017-18 Project List; and amend the 2016-2018 Biennial Budget for Fiscal Year 2017-18.

F.4 Approval of an amendment to the Biennial Budget and Capital Improvement Plan 2016 – 2018 to reclassify one part-time Community Preservation Specialist to full-time – from Deputy Community Development Director Interiano. (RESOLUTION)

Background/Discussion – The Community Development Department is looking to improve code enforcement services. The Community Preservation division, which is one of the City's tools to deal with various nuisances which may affect residential neighborhoods and commercial developments, is increasingly not meeting workload demands and therefore is requesting an upgrade to one of the existing positions. The division is also going through a reorganization of internal policies, implementing cross-training opportunities, and re-calibration of reporting methods to more clearly track the effectiveness of the division overall. The division currently has one full-time position and one part-time position which limit the effectiveness of the proposed strategies.

The Community Preservation Specialist is responsible for administrative tasks and field duties required to inspect, assign citations, and continually track various code infractions for a multitude of properties. The administrative duties can take a significant amount of time, especially with more involved cases which take several months if not more. A part-time position responsible for these cases creates difficulties for the City and management of limited time. If approved, the additional staff time will assist to meet essential workload demands with speed, effectiveness, and responsiveness. Also, the upgrade to the Community Preservation Specialist position will also strengthen our supervision and organizational changes.

The proposed change will require a budget amendment of \$30,000. Funding will be transferred from the Unallocated General Fund to the Community Preservation Division.

Attachments

Action - It is recommended that the City Council approve by resolution: an amendment to the Biennial Budget and Capital Improvement Plan 2016 – 2018 to reclassify one part-time Community Preservation Specialist to full-time.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of October 12, 2017. (MOTION)

M. CLOSED SESSION

M.1 Closed Session - Liability Claims

Government Code Section 54956.95

Claimants: Lagina Lillard-Marks, Minor 1, Minor 2, Minor 3, Robinetta Varner, Tina Howard, and Lisa Standley

Agency claimed against: City of Newark

Background/Discussion – The City Attorney has requested a closed session to discuss Liability Claims for claimants: Lagina Lillard-Marks, Minor 1, Minor 2, Minor 3, Robinetta Varner, Tina Howard, and Lisa Standley.

Action - It is recommended that the City Council hold a closed session to discuss the liability claims.

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.