

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, June 14, 2018

CITY COUNCIL:

Alan L. Nagy, Mayor

Michael K. Hannon, Vice Mayor

Luis L. Freitas

Sucy Collazo

Mike Bucci

CITY STAFF:

John Becker

City Manager

Terrence Grindall

Assistant City Manager

Susie Woodstock

Administrative Services Director

Sandy Abe

Human Resources Director

Soren Fajeau

Public Works Director

Michael Carroll

Police Chief

David Zehnder

Recreation and Community

Services Director

David J. Benoun

City Attorney

Sheila Harrington

City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

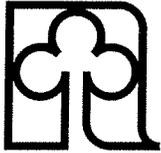
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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, June 14, 2018

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meetings of May 24 and 31, 2018.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – The following employees will be introduced at the City Council meeting: Child Care Instructors Caton and Lozano and Police Officers Wilkerson, Riddles, San Pedro, and Damewood.

**C.2 Commendation to Police Officer and Dispatcher of the Year.
(COMMENDATIONS)**

Background/Discussion – Adeceli Kovach has been named Police Officer of the Year. Dawn Paige has been named Dispatcher of the Year. Commendations will be presented at the City Council meeting.

**C.3 Commendation to the Missionaries of the Precious Blood Priests.
(COMMENDATION)**

Background/Discussion – The Missionaries of the Precious Blood have served the Newark community for the last 39 years. The Priests are returning to their home Province in Ohio and will be commended for their service at the City Council meeting.

C.4 Proclaiming June as Elder Abuse Awareness Month. (PROCLAMATION)

Background/Discussion – June is Elder Abuse Awareness Month. Members of the Alameda County Adult Protective Services Agency and the District Attorney's office will accept the proclamation at the City Council meeting.

C.5 Presentation of Rising Sun Energy Center’s California Youth Energy Services (CYES) Program. (PRESENTATION)

Background/Discussion – Rising Sun Energy Center (Rising Sun) is a non-profit organization that partners with local jurisdictions to implement programs focused on green training and employment, youth empowerment, and residential energy efficiency. Rising Sun runs the California Youth Energy Services (CYES) program which employs and trains local youth, between the ages of 15 and 22, to perform energy efficiency and water conservation assessments and installations in local homes. Youth Energy Specialists work in teams of two to provide no-cost Green House Calls upon request by local residents. During the Green House Calls, the youth install energy and water saving devices in local homes, such as LED lightbulbs, eco-friendly powerstrips, kitchen/bathroom water aerators, and water efficient-flow showerheads. Energy Specialists also provide personalized recommendations for further energy efficiency and savings. The program serves all residents, regardless of income, renter, or owner status.

At the request of Alameda County Water District (which provides partial funding to the program), Rising Sun recently outreached to the City of Newark. Working with City staff, Rising Sun provided a short article for the Spring 2018 volume of the Newark News, and also participated in Family Day In the Park in order to generate interest in the program. Green House Call appointments will take place from July 3-August 9, 2018. Shelby Sugierski, Regional Manager of Rising Sun, will make a short presentation to the City Council regarding the local CYES Program.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARING

E.1 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2018-2019 – from Senior Accountant Lee. (RESOLUTION)

Background/Discussion – The City’s Master Fee Schedule (MFS) is reviewed annually. The proposed MFS for Fiscal Year 2018-2019 is based on an analysis of both direct and indirect costs for the delivery of certain City programs and services. Market factors were also considered in establishing the proposed fees. The proposed MFS is the result of input from all City departments.

The City Attorney has advised that as a result of a California Supreme Court case (Barratt-American, Inc. vs. City of Rancho Cucamonga), the reenactment of previously existing fees without change nullifies the applicable statute of limitations and, thus, reopens those fees to legal challenge. It is recommended that the Council amend only those sections of the Master Fee Schedule that staff is suggesting be changed. The sections adopted, deleted, or amended by Council will then be editorially merged with

the unchanged portions of the Master Fee Schedule as last amended by the City Council.

Attachment

Action - It is recommended that the City Council, by resolution, amend the Master Fee Schedule for Fiscal Year 2018-2019.

F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.10 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Authorization for the City Manager to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for use of the Jerry Raber Ash Street Park Building #1 for the operation of a food and clothing distribution center – from Recreation and Community Services Director Zehnder. (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 expires on June 30, 2018. Viola Blythe Community Service Center wishes to enter into a new three-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 three years, through June 30, 2021, 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 Jerry Raber Ash Street Park Building #1 for the operation of a food and clothing distribution center.

- F.2 Authorization for the City Manager to sign a Lease Agreement with Child, Family, and Community Services, Inc. for use of the Jerry Raber 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 June 8, 2018. Child, Family, and Community Services, Inc. wishes to enter into a new one-year Agreement for this upcoming school year for the operation of a Head Start Preschool Program. 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 13, 2018 through June 7, 2019, 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.3 Authorization for the Mayor to sign a Lease Agreement with Second Chance, Inc. for the operation of a multi-purpose shelter at 6519 Central Avenue – from Recreation and Community Services Director Zehnder.

(RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the emergency housing shelter at 6519 Central Avenue by Second Chance, Inc. expires on June 30, 2018. Second Chance, Inc. wishes to enter into a new three-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. The emergency shelter provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional three years, through June 30, 2021, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Second Chance, Inc. to operate a multi-purpose shelter at 6519 Central Avenue.

F.4 Authorization for the Mayor to sign the Third Amendment to the Lease Agreement with the County of Alameda for reimbursement of janitorial and pest control services at the Newark Library – 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.

The City's existing agreement for janitorial services contains a Consumer Price Index (CPI) increase effective May 1, 2018. The janitorial company services the Library and the County reimburses City for said services.

Maintenance staff has consulted with County staff and the County has agreed to reimburse the City for the recent CPI increase. Starting May 1, 2018, County will pay City \$5,499.92 per month for janitorial and pest control services.

The attached Third Amendment memorializes this understanding.

Attachments

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign the Third Amendment to Lease Agreement with County of Alameda for reimbursement of janitorial and pest control services at the Newark Library.

F.5 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 expires on June 30, 2018. 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 for a year. In exchange, the City agrees to pay the County approximately \$110,000. 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, 2019.

Attachment

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

F.6 Acceptance of public subdivision improvements for Tract 8166 – Cedar Lane, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On May 28, 2015, K. Hovnanian at Cedar Lane, LLC, entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8166 – Cedar Lane, an 85-unit residential townhome development located on the northeast corner of Cedar Boulevard and Mowry School Road. These improvements included new frontage sidewalk and

landscaping, utility connections, and pavement overlays on Cedar Boulevard and Mowry School Road. K. Hovnanian provided a Performance Bond in the amount of \$2,850,000 and a Materials Bond in the amount of \$1,425,000, to guarantee construction of all subdivision improvements. The public improvements have been completed and K. Hovnanian has requested that the bonds be released.

K. Hovnanian at Cedar Lane, LLC has provided a Warranty Bond in the amount of \$285,000 to guarantee the completed public subdivision improvements for a one-year maintenance period. On-site subdivision improvements for the common benefit of all homeowners will be owned and maintained by the Cedar Lane Owners Association.

Attachment

Action – It is recommended that the City Council, by resolution accept the public subdivision improvements for Tract 8166 – Cedar Lane, (K. Hovnanian at Cedar Lane, LLC) an 85-unit townhome development located at the northeast corner of Cedar Boulevard and Mowry School Road.

- F.7 Authorization for the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards – from Police Chief Carroll. (RESOLUTION)**

Background/Discussion – The City of Newark has maintained an agreement with All City Management Services for school crossing guards since August 2011. On June 8, 2017, the City Council approved an amendment agreement for the extension of school crossing guard services through June 30, 2018. The latest amendment agreement extends their services for one year, through June 30, 2019. All provisions of the original contract will remain in effect, except for a 7.26 percent increase in the crossing guards' hourly rate. The current rate of \$18.60/hr. will adjust to \$19.95/hr. commencing with the 2018-2019 school year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards, extending the term of said agreement.

- F.8 Approval to add the classification of Finance Manager to the City Officials, Management, Supervisory, and Professional Employee Group by amending the Employee Classification Plan, and the Compensation and Benefit Plan for City Officials, Management, Supervisory, and Professional Employees – from Human Resources Director Abe. (RESOLUTIONS–2)**

Background/Discussion – The City Manager is recommending the establishment of a new Finance Manager classification to serve as the Division Head of Finance.

Reporting to the City Manager, the proposed position will perform a variety of professional, administrative, and managerial duties including the development of the Five Year Forecast, the Comprehensive Annual Financial Report (CAFR), and the Biennial Operating Budget. The position serves as the City's financial advisor conducting financial forecasts, managing investments, and advising the City Council, City Manager and Department Heads on matters involving the City's financial condition.

As proposed, the recommended salary range for Finance Manager is Range 18, which will be \$10,423 to \$15,114 per month effective July 1, 2018. The salary recommendation is based on internal salary relationships for Division Chiefs, midpoint between the Division Chiefs in Public Works and Community Development.

The addition of this new classification will result in a salary savings by under-filling an impending retirement vacancy.

Attachment

Action - It is recommended that the City Council approve by resolutions: 1) amend Resolution No. 2505, Employee Classification Plan, the addition one new classification entitled Finance Manager and 2) amend Resolution No. 10678, the Compensation and Benefit Plan for City Officials, Management, Supervisory and Professional Employees to add one new classification entitled Finance Manager.

F.9 Adoption of the 2018-2020 Biennial Budget and Capital Improvement Plan – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Staff is submitting the 2018-2020 Biennial Budget and Capital Improvement Plan to the City Council for adoption. This document was prepared pursuant to the Strategic and Budget Plan adopted in the Five-Year Forecast 2018-2023. The City Council held a work session on May 31, 2018, and conducted a review and discussion of the 2018-2020 Biennial Budget and Capital Improvement Plan. The document was modified to incorporate the estimated completion dates for funded CIP projects and some correction to minor formatting issues. The proposed resolution adopting the 2018-2020 Biennial Budget and Capital Improvement Plan provides for expenditures by specific appropriations.

Attachment

Action - It is recommended that the City Council, by resolution, adopt a budget and a capital improvement plan for the City of Newark for Fiscal Years 2018-2019 and 2019-2020 and providing for the post-auditing of paid demands certified or approved as confirming to such approved budget.

F.10 Authorization for the City Manager to sign a contract with the City of Fremont to provide animal sheltering services – from Captain Arguello. (RESOLUTION)

Background/Discussion - On April 11, 1988, the City of Newark entered into a 30 year contract with the City of Fremont to provide animal sheltering services. This contract expires on June 30, 2018. Staff has met with members of the City of Fremont to discuss terms on services and cost structure. This updated agreement reflects the ongoing land, building, and maintenance costs, as well as the current costs for providing animal shelter services. The City of Fremont also provides animal sheltering services to the cities of Union City and San Leandro under terms similar to this agreement.

The City of Fremont will begin providing animal services to the City of Newark pursuant to this agreement on July 1, 2018 for a period of three (3) years with an ending date of June 30, 2021. Both parties have the option to renew this agreement for two (2) additional three (3) year terms.

On or before April 1 of each year this agreement is in force, the City of Fremont will provide the City of Newark a copy of the proposed annual animal shelter budget plus computations indicating the City of Newark’s pro rata share of the budget cost. Budget estimates will be based on the number of animals received at the shelter during the prior fiscal year. The City of Fremont shall send monthly invoices to the City of Newark which shall be calculated as 1/12 of the annual amount for all three fees. The City of Fremont shall calculate annual adjustments of the actual annual costs (“true-up”) following the closing of the fiscal year and those adjustments shall be included in the February invoice.

The total estimated annual costs to the City of Newark for Year 1 (July 1, 2018 to June 30, 2019) are slightly less than our current costs.

Description	Estimated Annual Cost	Estimated Monthly Cost
Maintenance Fee	\$14,934	\$1,244.50
Land & Building Fee	\$14,238	\$1,186.53
Animal Services Costs	\$75,400	\$9,283.33
TOTAL COSTS – YEAR 1	\$104,572.00	\$8,714.36

Costs will be updated annually by the City of Fremont to reflect the adjustments in the annual percentage of animals boarded for the City of Newark.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the City Manager to sign a contract with the City of Fremont to provide animal sheltering services.

NONCONSENT**F.11 Approval of Contractual Services Agreements with Verde Design, Inc. for Professional Design Services for Sportsfield Park Synthetic Turf Fields, Project No. 1192 and Newark Skate Park at Sportsfield Park, Project No. 1193 – from Assistant City Engineer Imai. (RESOLUTION)**

Background/Discussion – On June 22, 2017 the City Council approved the City’s first Citywide Parks Master Plan. The Citywide Parks Master Plan identifies four priority projects, two of which involve the construction of a new skate park and replacement synthetic sports fields, both at Sportsfield Park.

Newark Skate Park at Sportsfield Park

The schematic design of Sportsfield Park included in the Citywide Parks Master Plan identifies an 18,000 square-foot skate park at the northwestern corner of the site on Mowry Avenue next to Fire Station No. 27. Newark Skate Park at Sportsfield Park (Skate Park) will provide both elevated and depressed skate features, seating and viewing areas, and shade structures. The Citywide Parks Master Plan indicates that the Skate Park would be open during standard park hours, dawn to dusk; however, based on subsequent discussions, staff has decided to further evaluate the possible addition of lighting at the Skate Park and establishment of extended night-time operating hours during development of preliminary conceptual designs.

Sportsfield Park Synthetic Sports Fields

The schematic design of Sportsfield Park included in the Citywide Parks Master Plan also identifies the replacement of nearly six acres of grass turf currently utilized as sports fields at the eastern end of the park with all-weather fields constructed from synthetic grass-like material. The Sportsfield Park Synthetic Turf Fields (Synthetic Turf Fields) will be lit and have the capacity to provide two regulation soccer fields and one baseball pitch (overlaid on the soccer fields), but will also allow for the flexible layout of additional fields as needed. The project would also improve over 35,000 square feet of pedestrian pathways surrounding the Synthetic Turf Fields. The pathways are used for both active and passive recreation and serve as an important pedestrian connection within Sportsfield Park.

Selection of Design Consultant

In accordance with the City’s Purchasing Rules and Regulations, staff prepared and initiated two separate, open and competitive Request for Proposals (RFP) for professional design services for the Skate Park and Synthetic Turf Fields. Both RFPs specified that selection would be made based on quality and completeness of submissions as well as a firm’s experience with projects of similar scope and complexity, satisfaction of previous clients, and proposed rate schedules.

Staff received a total of five proposals for the Skate Park and four proposals for the Synthetic Turf Fields. The City’s project team, which consists of the Recreation & Community Services Director, Public Works Director, Assistant City Engineer,

Maintenance Superintendent and Maintenance Supervisor, evaluated and ranked all proposals received based on completeness and responsiveness to the respective RFP.

After a review of proposals received for the Skate Park, a clear consensus was reached by the City's project team. Verde Design, Inc. was selected as the recommended design consultant based on their experience and success with skate park projects of similar scope; the demonstrated expertise and aptitude of their subconsultant skate park designer, Wormhoudt, Inc.; and the satisfaction of their previous public municipality clients.

Based on the initial review of the proposals received for the Synthetic Turf Fields, staff invited two firms to be interviewed by the City's project team. The two firms invited to the interviews were:

- Callander Associates
- Verde Design, Inc.

At the conclusion of the interviews, staff selected Verde Design, Inc. as the recommended consultant based on their extensive experience with projects of similar scope, demonstrated knowledge and expertise regarding synthetic turf materials and installation, and satisfaction of previous public municipality clients. In addition, use of Verde Design, Inc. as the design consultant for both the Skate Park and Synthetic Turf Fields will enable the City to realize greater efficiency, cost-efficiency and coordination between the two projects. This would also allow both projects to be advertised, bid and constructed under a single construction contract, potentially resulting in cost savings for the City.

Anticipated Schedule

The development of preliminary designs for both the Skate Park and Synthetic Turf Fields is anticipated to begin shortly after agreements are executed with the selected consultant. Separate initial public workshops will be held for the Skate Park and Synthetic Turf Fields to gather input from the Newark and local skating communities and local sports organizations. Staff anticipates presenting preferred design concepts for the Skate Park and Synthetic Turf Fields to City Council for review and approval in the Fall of 2018.

Construction of both the Skate Park and Synthetic Turf Fields is projected to begin in Spring 2019. Construction of the Skate Park and Synthetic Turf Fields is anticipated to be funded with City of Newark Park Impact Fees in the 2018-2020 Biennial Budget and Capital Improvement Plan.

Contractual Services Agreement

Staff is recommending the approval of Contractual Services Agreements with Verde Design, Inc. for the design of the Synthetic Turf Fields for a not-to-exceed amount of \$262,000 and for the design of the Skate Park for a not-to-exceed amount of \$175,000. The 2016-2018 Biennial Budget and Capital Improvement Plan includes \$265,000 for

the design of the Sportsfield Park Synthetic Turf Fields, Project No. 1192 and \$210,000 for the design of the Newark Skate Park at Sportsfield Park, Project No. 1193.

Attachment

Action – It is recommended that the City Council, by resolution approve Contractual Services Agreements with Verde Design, Inc. for Professional Design Services for Sportsfield Park Synthetic Turf Fields, Project No. 1192 and Newark Skate Park at Sportsfield Park, Project No. 1193.

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.