



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, September 27, 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:

- | | |
|-------------------------------------|------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | K. ORAL COMMUNICATIONS |
| D. WRITTEN COMMUNICATIONS | L. APPROPRIATIONS |
| E. PUBLIC HEARINGS | M. CLOSED SESSION |
| F. CITY MANAGER REPORTS | N. ADJOURNMENT |
| G. CITY ATTORNEY REPORTS | |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item not on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, September 27, 2018

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of September 13, 2018.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Administrative Support Specialist II Jessenia Taimani, Junior Engineer Christine Chou, and Information Systems Technician Claude Hill will be at the meeting to be introduced to the City Council.

C.2 Presentation on Urban Shield. (PRESENTATION)

Background/Discussion – Urban Shield is a regional preparedness exercise that enhances the skills and abilities of first responders, as well as those responsible for coordinating and managing large scale events. Alameda County Fire Department Division Chief Ryan Nishimoto and Newark Police Department Lieutenant Jolie Macias will give a presentation on Urban Shield at the City Council meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORT

(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 repealing and replacing Chapter 2.09 of the Newark Municipal Code (“City Councilmembers—Salaries”) to increase the salaries of City Councilmembers and Mayor by ten percent (10%) and to increase the health and welfare benefits of City Councilmembers and Mayor to be equivalent with benefits offered to City employees under the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group – from City Manager Becker. (ORDINANCE)**

Background/Discussion – The monthly salary and benefits for the Mayor and City Council are set by ordinance. The salaries and benefits of these elected officials have not changed since 2007. At the July 12, 2018 City Council meeting, staff was directed to draft an ordinance with a ten percent (10%) salary increase and health and welfare benefits equivalent to those received by City staff. The Council also requested an automatic compensation review with each budget cycle, including consideration of a potential salary increase equal to the Consumer Price Index or salary increase awarded to City staff, subject to the five percent (5%) per calendar year increase limitation imposed by State law.

The draft ordinance was prepared as directed and introduced at the September 13, 2018 City Council meeting. If enacted, the ordinance would, starting January 1, 2019, increase the salary of Councilmembers to \$1,247 per month. The Mayor’s salary would increase \$2,727 per month.

Additionally, all members of the Council, including the Mayor, would, starting January 1, 2019, receive the same health and welfare benefits offered by the City under the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group. As of January 1, 2019, the City’s contribution is \$821 per month per participant.

Attachment

Action – Staff recommends that the City Council by ordinance repeal and replace Chapter 2.09 of the Newark Municipal Code (“City Councilmembers—Salaries”) to increase the salaries of City Councilmembers and Mayor by ten percent (10%) and to increase the health and welfare benefits of City Councilmembers and Mayor to be equivalent with benefits offered to City employees under the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group.

- F.2 Amendment to the Conflict of Interest Code for Nonelected Officials and Designated Employees – from City Clerk Harrington. (RESOLUTION)**

Background/Discussion – The Political Reform Act of 1974 requires local government agencies to review its Conflict of Interest Code biennially. The Conflict of Interest Code lists each employee position that makes or participates in the making of governmental

decisions. Employees in these positions are identified as “designated employees.” Consultants that make or participate in making governmental decisions on behalf of the City must also file disclosure forms.

The review has been completed and there is a need to amend Appendix A, Designated Positions and Disclosure Categories, because of organizational changes that have occurred since the 2016 review. Appendix A to the Code shows the recommended changes with strikeout formatting for deletions and underscore formatting for additions.

Attachment

Action - It is recommended that the City Council, by resolution, amend the City’s Conflict of Interest Code for Nonelected Officials and Designated Employees.

F.3 Authorization for the purchase of a replacement speed trailer with license plate recognition features, and declaration of PIPS Technology, a subsidiary of Neology, as the single source vendor – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion - The 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018-2019 includes funding in the amount of \$36,676.25 for the replacement of one of the City of Newark Police Department’s existing speed trailers through the City’s Equipment Replacement Program.

The City currently has several vehicles and speed trailers outfitted with PIPS Technology Automatic License Plate Recognition (ALPR) systems which are used to locate and identify stolen vehicles and wanted persons using optical characters recognition technology. PIPS Technology, a subsidiary of Neology, has been the industry leader in ALPR systems worldwide for over 20 years with over 20,000 cameras in operation in 33 countries. PIPS Technology is the ALPR system of choice throughout the Bay Area and use of this specific system assures the City of proper technical support in the region as well as data sharing with other participating Bay Area law enforcement agencies.

PIPS Technology ALPR systems are only available for purchase in northern California through PIPS Technology, a subsidiary of Neology. This equipment is essential to properly integrate with the City’s existing systems. In accordance with the City’s Purchasing Ordinance and Resolution No. 9816 which revised the Single Source Exemption in the Purchasing Rules and Regulations, formal bidding procedures are not required in the event the City Council makes certain findings and declarations that:

1. Formal bids would work in incongruity and would be unavailing in affecting the final results; and
2. Formal bids would not produce any 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 vendor (PIPS Technology, a subsidiary of Neology is the exclusive vendor in this area) to provide the necessary speed trailer with license recognition software that is compatible with existing ALPR systems. Since that is the case, it is incongruous, or not appropriate, to require a formal bid since only one bidder could provide a 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; rather it would result in an extraneous use of public funds to lead to the same result.

The City has received a proposal from PIPS Technology to purchase the desired replacement speed trailer with license plate recognition features for \$36,676.25. There is sufficient funding for this purchase in the Fiscal Year 2018-2019 Equipment Replacement fund.

Attachment

Action – It is recommended that the City Council, by resolution, authorize the purchase of replacement speed trailer with license plate recognition features, and declaration of PIPS Technology, a subsidiary of Neology, as the single source vendor.

F.4 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for Tract 8418 – Sanctuary Village 2 (Arroyo Cap III, LLC), a 108-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – On December 10, 2015, the City Council approved Vesting Tentative Tract Map 8270 for a 386-unit residential subdivision in General Plan Area 3 at the northwest corner of Cherry Street and Stevenson Boulevard. Subsequently, on November 9, 2017, the City Council approved the Final Map for Tract 8270, which divided the subject property into five large-lot “village” parcels for future residential development. The Final Map for Tract 8418 further divides one of the large-lot “villages” into 108 single-family residential lots. The developers, Arroyo Cap III, LLC, and LS-Newark, LLC have submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8418.

The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$2,372,000 and a Materials Bond in the amount of \$1,186,000. The bonds will guarantee construction of private streets within the development.

The Final Map for Tract 8418 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8270 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Because there will be no public streets constructed as part of Tract 8418, the City will not incur any maintenance costs associated with the tract improvements.

Staff recommends approval of a Waiver request that allows up to 10% relief from dimensional requirements of required setbacks per Chapter 17.37 of Newark Zoning Ordinance. This relief will apply to lots 92, 96, 97, 101, 108, 113, 118 and 129.

Attachments

Action – It is recommended that the City Council, by resolution, approve: 1) the Final Map and Subdivision Improvement Agreement for Tract 8418 – Sanctuary Village 2, a 108-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-006, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8418 – Sanctuary Village 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.

(MOTION)

M. CLOSED SESSION

- M.1 Closed session pursuant to Government Code Section 54957
Public Employment
Title: City Manager**

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.