

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, May 23, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager

Michael Carroll
Police Chief

Soren Fajeau
Public Works Director

David Zehnder
Recreation and Community
Services Director

Sandy Abe
Human Resources Director

Kristopher J. Kokotaylo
Interim City Attorney

Krysten Lee
Finance Manager

Arturo Interiano
Acting Community Dev. Dir.

Sheila Harrington
City Clerk

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

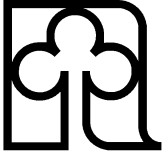
- | | |
|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER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

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

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

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

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



CITY 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, May 23, 2019

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of May 9, 2019.

(MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Presentation of Awards for Students, Teacher, and Classified Employee of the Year. (PRESENTATION)

Background/Discussion – The Newark Unified School District (District) has selected a Student of the Year from each of our local schools. The District has also selected a Teacher and Classified Employee of the Year. The Newark Rotary Club will present each individual with a certificate.

C.2 Proclaiming June as Celebrating Business Month in Newark.(PROCLAMATION)

Background/Discussion – June is Celebrating Business Month in the City of Newark. Chamber President/CEO Valerie Boyle and members of the Newark Chamber of Commerce will accept the proclamation at the meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.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 Approval of events within the public right-of-way, authorization to issue an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee), and provision of traffic control for the annual Holy Ghost Festival on July 27 and 28, 2019 – from Police Sergeant Simon and Assistant Engineer Carmen. (MOTION)

Background/Discussion – The Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) has requested that the City approve and provide traffic control for two events associated with the 2019 Holy Ghost Festival:

- Small Parade, Saturday, July 27, from 12:00 p.m. – 2:00 p.m. The parade will exit the Newark Pavilion onto Cherry Street, to Plummer Avenue, to Galletta Drive, back to Plummer Avenue, to Cherry Street, and return to the Pavilion.
- Traditional Annual Parade, Sunday, July 28, from 11:45 a.m. – 3:30 p.m. The parade will exit the Newark Pavilion onto Thornton Avenue, proceed to St. Edwards Church, and return to the Pavilion.

Issuance of an Encroachment Permit is necessary for these events to be held within the public street right-of-way. As a condition of issuance of this permit, Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) will conform to the City's insurance requirements, will deposit sufficient funds for the cost of Police and Maintenance personnel and equipment to provide traffic control for these events, and coordinate event scheduling with the Church of Christ and Solid Rock Church along Thornton Avenue for the Sunday parade.

Attachment - None

Action - It is recommended that the City Council, by motion, approve the events within the public right-of-way, authorize issuance of an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) organization, and provide traffic control for the annual Holy Ghost Festival on July 27 and 28, 2019.

F.2 Authorization for the Mayor to execute an agreement with the *Tri-City Voice* for legal advertising services for Fiscal Year 2019-2020 – from City Clerk Harrington. (RESOLUTION)

Background/Discussion – The California Government Code requires that the City of Newark print legal notices in an adjudicated newspaper of general circulation. An adjudicated newspaper of general circulation does not exist in the City and the City is legally required to use an adjudicated newspaper that is published nearest to the City. The Public Contract Code requires the City to invite bids for legal advertising and award the contract on a fiscal year basis.

After soliciting bids, the City received one response. The *Tri-City Voice* provided a quote of \$1.25 per line, which is the same amount as the current agreement. Its circulation has remained steady at 4,500 newspapers within the City of Newark.

Staff recommends awarding the agreement to the *Tri-City Voice*. Funds are budgeted in the city departments that place legal advertising in the newspaper.

Attachment – Resolution
Contractual Services Agreement

Action – Staff recommends that the City Council, by resolution, authorize the Mayor to execute an agreement with the *Tri-City Voice* for legal advertising services for Fiscal Year 2019-2020.

F.3 Authorization for the Mayor to execute a multi-year agreement with Lance, Soll & Lunghard, LLP, Certified Public Accountants, to provide professional auditing services to the City and to amend the 2018-2020 Biennial Budget and Capital Improvement Plan – from Finance Manager Lee. (RESOLUTION)

Background/Discussion – The Government Finance Officers Association (GFOA) best practices recommend that local governmental entities obtain independent audits of their financial statements performed in accordance with Governmental Accounting Standards Board (GASB) standards. GFOA best practices also recommend Governmental entities undertake a full-scale competitive process for the selection of independent auditors to enter into multiyear agreements of at least five years in duration. Multi-year agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Properly performed audits play a vital role in helping to preserve the integrity of the public finance functions.

Badawi & Associates has served as the City's independent auditors for the past six years. Though this firm has served the City well in this capacity, staff believes that it is a prudent policy to periodically seek and evaluate proposals for independent professional auditing services from other independent Certified Public Accountant (CPA) firms to ensure the quality, objectivity, and favorable pricing of audits.

On April 22, 2019, the City issued a Request for Proposals (RFP) for professional auditing services. Six qualified firms responded to this RFP and were interviewed by a team of three staff members which included the Finance Manager, Accountant, and the Accounts Payable Technician. Staff received proposals from the following firms (in alphabetical order):

Firm Name	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	Optional FY 2022/23	Optional FY 2023/24
JJACPA, Inc.	\$ 81,000	\$ 81,000	\$ 81,000	NA	NA	NA
Lance, Soll & Lunghard, LLP (LSL)	\$ 84,415	\$ 86,103	\$ 87,826	\$ 89,583	\$ 91,376	\$ 93,203
Macias, Gini & O’Connell, LLP (MGO)	\$ 96,795	\$ 99,700	\$ 102,680	NA	NA	NA
Maze & Associates	\$ 79,785	\$ 79,785	\$ 79,785	NA	NA	NA
Moss, Levy & Hartzheim, LLP	\$ 74,970	\$ 76,530	\$ 78,080	\$ 79,650	NA	NA
Van Lant & Fankhanel, LLP	\$ 71,150	\$ 71,150	\$ 73,100	NA	NA	NA

The proposals and presentations at the interviews were evaluated based on the responsiveness of the proposal that demonstrates the intention and ability to perform the work, cost, the firms’ experience in conducting audits of similar size cities, professional qualifications of the audit team, the size and structure of the firm’s office from which the audit work is to be done, experience in complying with applicable federal and state regulations, and the ability of the firm in providing optional services.

Lance, Soll & Lunghard, LLP (LSL) provided the most comprehensive proposal and interview presentation that satisfied the stated selection criteria. LSL is a known regional firm, which provides auditing services to numerous governmental entities throughout the Bay Area. Staff discussed the firm’s performance with three other cities. These references were highly complementary to the firm’s expertise, experience, approach, and ability to deliver auditing services. LSL was the only firm that identified a plan of action addressing possible challenges the City would face during a new Enterprise Resource Planning (ERP) Financial System implementation. (The City will be updating the financial software system within the next two fiscal years.) In addition, LSL specifically addressed analytics testing, included GASB training for Finance staff at no additional charge, and additional services to be included in their fee.

While LSL is the second highest cost firm, the firm’s experience, staff qualifications, team consistency, annual trainings offered, audit plan approach to operating as an extension of our organization, and demonstrated commitment to internal control sets LSL apart from the other firms. The costs for the auditing services for the four-year period will not exceed \$347,927. LSL was the only firm that provided all-inclusive maximum pricing for the four fiscal years as requested in the RFP as well as optional years pricing.

An appropriation of \$70,000 is already in the 2018-2020 Biennial Budget. A budget amendment is necessary to appropriate an additional \$14,415 to fiscal year 2018/19, for a total of \$84,415 for the first fiscal year of professional auditing services. This is a multi-year agreement with the remaining years to be appropriated in the next biennial budget process.

After a thorough review and based on the location, accessibility, size, client list, references and professional training opportunities for clients, staff recommends the award of an agreement to LSL as the City's independent auditor because LSL would provide the best overall value to the City for professional auditing services. The agreement would be for a term of four years with the option to renew on a year-by-year basis for two additional years, subject to satisfactory performance.

Attachment – Resolution; Contractual Services Agreement

Action - Staff recommends that the City Council, by resolution, authorize the Mayor to execute a multi-year agreement between Lance, Soll & Lunghard, LLP, Certified Public Accountants and the City of Newark, to provide professional auditing services to the City and to amend the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018 -2019.

F.4 Authorization for the Mayor to execute an Emergency Medical Services First Responder Advanced Life Support Services Agreement between the City of Newark and the County of Alameda – from Interim City Attorney Kokotaylo and City Manager Benoun. (RESOLUTION)

Background/Discussion – The County of Alameda is designated, by California Health and Safety Code Division 2.5, Section 1797.94, as the responsible agency for establishing policies and procedures for the approval and designation of paramedic service providers within its jurisdictions, including the City of Newark. The County of Alameda established an Emergency Medical District and has entered into contracts with public and private providers to assure that emergency medical services are available within the jurisdictions.

The City of Newark receives fire protection services through a contract with the Alameda County Fire Department (ACFD). ACFD provides fire suppression, fire prevention, first aid, Basic Life Support (BLS), and Advanced Life Support (ALS). ALS services are provided by staffing a paramedic on each fire unit within the City of Newark.

The City of Newark currently provides a paramedic on each of the department's three units (two Engine companies and one Truck company) and thus has three First Responder Advance Life Support units.

The City Council previously approved the existing First Responder Advance Life Support Services (FRALS) Agreements with the County of Alameda, which is currently set to expire on June 30, 2019.

The proposed FRALS Agreement would be in effect for five years beginning July 1, 2019 and allows for a five-year extension upon mutual consent of both parties. Under the proposed FRALS Agreement, the City is an authorized provider of FRALS within the Alameda County EMS system. The FRALS Agreement establishes the procedures and processes for providing these services including:

- The priority of calls to requests for medical assistance and the services area for the City;
- The performance standard that the City must meet in responding to calls for service;
- Personnel and equipment requirements; and
- Administrative provisions related to the failure to meet the requirements of the agreement.

The proposed FRALS agreement provides emergency services for the residents of Newark generally consistent with current services. This agreement is similar to the previous FRALS agreement.

Attachment – Resolution
Agreement

Action – Staff recommends that the City Council, by resolution, authorize the Mayor to execute an Emergency Medical Services First Responder Advanced Life Support Services Agreement between the City of Newark and the County of Alameda.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Declaring a vacancy on the Newark Planning Commission and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (MOTION)**

Background/Discussion – A vacancy has occurred on the Planning Commission due to the unexpected passing of Planning Commissioner Bernie Nillo. Mr. Nillo's Planning Commission appointment was for a term to December 2021.

Pursuant to Government Code Section 54974, whenever an unscheduled vacancy occurs on a commission a special vacancy notice shall be posted not later than 20 days after the vacancy occurs. The vacancy notice must be posted for at least ten days before the Mayor may appoint a new commission member.

Action - It is recommended that the City Council, by motion, declare a vacancy on the Newark Planning Commission and direct the City Clerk to post the notice of vacancy.

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.