



# CITY OF NEWARK CITY COUNCIL

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

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

## AGENDA

**Thursday, May 11, 2017**

### CITY COUNCIL:

Alan L. Nagy, Mayor  
Mike Bucci, Vice Mayor  
Luis L. Freitas  
Sucy 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  
  
Jim Leal  
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](http://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, May 11, 2017

- A. ROLL CALL**
- B. MINUTES**
- B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 27, 2017. (MOTION)**
- C. PRESENTATIONS AND PROCLAMATIONS**
- C.1 Introduction of employee.**
- Background/Discussion** – Economic Development Manager Anne Stedler will be at the meeting to be introduced to the City Council.
- C.2 Proclaiming May 21-27, 2017, as National Public Works Week. (PROCLAMATION)**
- Background/Discussion** – May 21-27, 2017, has been designated National Public Works Week in Newark. A member of the Public Works Department will be at the meeting to accept the proclamation.
- C.3 Proclaiming May 14-20, 2017, as National Police Week. (PROCLAMATION)**
- Background/Discussion** – May 14-20, 2017 has been designated National Police Week in Newark. A member of the Police Department will be at the meeting to accept the proclamation.
- C.4 Commendation to Police Officer and Dispatcher of the Year. (COMMENDATIONS)**
- Background/Discussion** – Shannon Todd has been named Police Officer of the Year. Marci Manuel has been named Dispatcher of the Year. Commendations will be presented at the City Council meeting.
- C.5 Proclaiming May 21-27, 2017, as National Emergency Medical Services Week. (PROCLAMATION)**
- Background/Discussion** – May 21-27, 2017, has been designated National Emergency Medical Services Week in Newark. A member of the Alameda County Fire Department will be at the meeting to accept the proclamation.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORT**

**(It is recommended that Items F.1 through F.6 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)**

**F.1 Approval of plans and specifications, acceptance of bid and award of contract to Rosas Brothers Construction for 2017 Curb, Gutter, and Sidewalk Replacement, Project 1143 – from Associate Civil Engineer Tran. (MOTION)(RESOLUTION)**

**Background/Discussion** – The project will remove and replace damaged curb, gutter and sidewalk at various locations located throughout the City. In addition, the project will upgrade curb ramps to meet current ADA standards along those streets included in this year’s asphalt concrete overlay project.

Bids for the project were opened on April 25, 2017 with the following results:

<b>Bidder</b>	<b>Amount</b>
Rosas Brothers Construction	\$ 478,890.00
J.J.R. Construction, Inc.	515,180.50
Victor Concrete, Inc.	525,960.00
FBD Vanguard Construction, Inc.	999,830.00
 Engineer's Estimate	 \$ 450,000.00

The 2016-2018 Biennial Budget includes sufficient funding for this project in Fiscal Year 2016-2017. This project will be funded through a combination of Alameda County Measure B/BB Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

Staff recommends that this project be awarded to the lowest responsible bidder, Rosas Brothers Construction.

**Attachment**

**Action** – It is recommended that the City Council, by motion, approve the plans and specifications and by resolution, accept the bid and award the contract to Rosas Brothers Construction for 2017 Curb, Gutter, and Sidewalk Replacement, Project 1143.

**F.2 Acceptance of work with G. Bortolotto & Company, Inc. for the 2016 Asphalt Concrete Street Overlay Program, Project 1116 – from Associate Civil Engineer Tran. (RESOLUTION)**

**Background/Discussion** – On June 23, 2016, the City Council awarded a contract to G. Bortolotto & Company, Inc. for the 2016 Asphalt Concrete Street Overlay Program, Project 1116. This project consisted of localized patch paving, pavement grinding, pavement resurfacing, and re-striping on various City streets.

This project was completed on time and within the original budget using Alameda County Measure B Sales Tax funds, Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the work with G. Bortolotto & Company, Inc. for the 2016 Asphalt Concrete Street Overlay Program, Project 1116.

**F.3 Authorization for the purchase of a new Plymovent Diesel Exhaust Extraction System from Air Exchange, Inc. for the Ruschin Fire Station and declaration of Air Exchange, Inc. as the single source vendor – from Maintenance Supervisor Connolly. (RESOLUTION)**

**Background/Discussion-** Diesel exhaust extraction systems are utilized at fire stations and other indoor parking facilities to remove vehicle exhaust fumes from the indoor space. The existing Nederman diesel exhaust extraction system at the Ruschin Fire Station (No. 29) was originally installed in the early 1990's and has reached the end of its useful life. The Maintenance Division is experiencing ongoing difficulty in finding suitable replacement parts whenever critical repairs are needed to this system. This has led to increased periods of inoperability and significantly reduced system effectiveness. A properly functioning diesel exhaust extraction system is an essential piece of equipment to help ensure the health and safety of Alameda County Fire Department (ACFD) firefighters and other personnel at each station. The 2016-2018 Biennial Budget and Capital Improvement Plan includes funding for diesel exhaust extraction system replacement in the amount of \$52,000 as part of the Equipment Replacement Budget.

Air Exchange, Inc. is the City's vendor for maintaining the existing diesel exhaust extraction system at the Ruschin Fire Station as well as the Plymovent diesel exhaust extraction systems at the Cherry Street (No. 27) and Thornton Avenue (No. 28) Fire Stations. Plymovent diesel exhaust extraction systems are now used exclusively for both new and replacement installations at all ACFD-affiliated stations. The ACFD and the City's Maintenance Division have concluded that standardization of equipment and

consistency from station to station is essential for safe and effective fire service operations as well as efficient maintenance operations. Diesel exhaust extraction systems are no exception. The Plymovent system is therefore a critical equipment purchase at this time.

Air Exchange, Inc. is the exclusive representative for the purchase and installation of Plymovent diesel exhaust extraction systems in the San Francisco Bay Area, most of the remainder of California, and several other western states. 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, by resolution, makes certain findings and declarations that:

- a. Formal bids would work an incongruity and would be unavailing in affecting the final results; and
- b. Formal bids would not produce an advantage to the City; or,
- c. It is practically impossible to obtain what is required through the formal bidding process; or,
- d. 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 a., b., and c. There is only one vendor (Air Exchange, Inc. is an exclusive representative in this area) to provide a new Plymovent diesel exhaust extraction system. Since that is the case, it is incongruous, or not appropriate, to require a formal bid since only one bidder 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; rather it would result in an extraneous use of public funds to lead to the same result.

The City has received a proposal from Air Exchange, Inc. to install a new Plymovent Diesel Exhaust System for \$52,000. This purchase would be funded under the Equipment Purchase Replacement Budget.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the purchase of a new Plymovent Diesel Exhaust Extraction System from Air Exchange, Inc. for the Ruschin Fire Station and declare Air Exchange, Inc. as the single source vendor.

- F.4 Authorization for the purchase of two (2) 2017 Ford SUV Utility Interceptors as replacement vehicles for the Police Department from Folsom Lake Ford and outfitting by Telepath – from Maintenance Supervisor Connolly. (RESOLUTION)**



**Background/Discussion** – The Newark Police 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 \$92,000 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) 2017 Ford SUV Utility Interceptors.

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 Folsom Lake Ford for the purchase of new vehicles. This contract is in effect through June 29, 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 Folsom Lake Ford, the combined purchase cost for the two (2) vehicles will be \$84,000. The purchase cost does not include outfitting of the vehicles which is estimated not to exceed \$8,000 combined for both vehicles. The outfitting is based on specialized vendor quotes for the installation of lights, sirens, window tinting, speakers, antennas, and specialized wiring.

**Action** - It is recommended that the City Council, by resolution, authorize the purchase of two (2) 2017 Ford SUV Utility Interceptors as replacement vehicles for the Police Department from Folsom Lake Ford and outfitting by Telepath.

**F.5 Resolution authorizing the City of Newark to withdraw from the Memorandum Of Understanding (MOU) between the cities of Newark and Union City for the combined Special Weapons and Tactics (SWAT) team – from Commander Carroll. (RESOLUTION)**

**Background/Discussion** – The Police Department is seeking authorization to withdraw from the cities of Newark and Union City Special Weapons and Tactics (SWAT) Team Memorandum of Understanding (MOU), as it pertains to the combined training and integrated deployments of the respective tactical teams.

In August 2011, the cities of Newark and Union City signed a SWAT MOU to create a standardized agreement for training, tactics, and equipment for their respective teams. The MOU provides parameters for training and deployment based on both teams being fully integrated and mutually compatible. The critical component for that level of compatibility is standardized tactics. The Newark and Union City Police Departments

no longer have the same tactics, which limit the full integration and compatibility of both teams. The Newark and Union City SWAT teams still assist one another with deployments; however, during combined operations the Newark and Union City SWAT teams' are independent providing support versus fully integrated and combined.

Command Staff members from the Newark Police Department and Union City Police Department have met and discussed the withdrawal from the combined SWAT MOU. Each agency has expressed a desire to withdraw from the MOU based on the inability to fully integrate because of different tactics. The Newark and Union City police departments have an excellent working relationship and plan to continue the relationship by supporting each other with critical incidents, tactical deployments, or other resource demands.

There is no foreseeable fiscal impact due to the withdrawal from the MOU.

The Union City Police Department received authorization on April 25, 2017 from their City Council to withdraw from the MOU.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the City of Newark to withdraw from the Memorandum of Understanding (MOU) between the cities of Newark and Union City for the combined Special Weapons and Tactics (SWAT) team.

- F.6 Approval to reorganize the Police Department by adding two Police Captain positions, adding one Police Lieutenant position, deleting one Police Commander position, deleting one Police Sergeant position and amending the Compensation and Benefit Plan for the City Officials, Management, Supervisory, and Professional Employee Group, the 2016-2018 Biennial Budget, and the Employee Classification Plan – from Human Resources Director Abe. (RESOLUTIONS - 3)**

**Background/Discussion** – The Newark Police Department's command structure currently consists of the following budgeted positions: one Chief, two Commanders, and two Lieutenants. With the recent retirement of a Commander and other anticipated retirements, the final component of the Police Department's succession plan is now recommended in order to properly prepare candidates who will lead the department into the future. The proposed reorganization will include adding two Police Captain positions that would allow the department to return to a more prototypical police hierarchy which is needed given the size of the department and the increased public and governmental demands and expectations placed on law enforcement agencies. The addition of one Police Lieutenant position is needed to provide the appropriate level of command span of control and allow our current staff to train, develop, and promote for years to come. As part of the reorganization, one Commander position and one Sergeant position will be eliminated. These changes to management, supervision, and oversight are necessary to run

the department safely, efficiently, and effectively. The position amendments are being phased in for succession planning purposes and are expected to be completed by July 1, 2017.

The proposed salary ranges for Police Lieutenant and Police Captain are range 19 and 21, respectively. Adjustments to the salary ranges are necessary due to compression issues between police management classifications. The 2016-2018 Biennial Budget will not need to be amended as there are sufficient funds in the current budget to cover the costs of the reorganization.

#### **Attachment**

**Action** - It is recommended that the City Council approve by resolutions: (1) amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials, Management, Supervisory, and Professional Employee Group to add one new classification, entitled Police Captain and modify the salary range for Police Lieutenant; and (2) amending the 2016-2018 Biennial Budget to add two Police Captain positions, add one Police Lieutenant position, delete one Police Commander position, and delete one Police Sergeant position; (3) amending Resolution No. 2505, Employee Classification Plan, to revise the classification entitled Police Captain.

- 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 May 11, 2017. (MOTION)**

**M. CLOSED SESSION**

**M.1 Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: Human Resources Director Abe and Assistant City Manager Grindall; Employee Groups: the Newark Police Association, the Newark Association of Miscellaneous Employees; City Officials and the Management, Supervisory, and Professional Employee Group; and the Confidential Employee Group – from City Attorney Benoun and Human Resources Director Abe.**

**Background/Discussion** – The City Attorney has requested a closed session to discuss labor negotiations.

**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, 5<sup>th</sup> 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.