

# 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 24, 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:

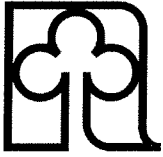
- |                                     |                         |
|-------------------------------------|-------------------------|
| A. ROLL CALL                        | I. COUNCIL MATTERS      |
| B. MINUTES                          | J. SUCCESSOR AGENCY     |
| C. PRESENTATIONS AND PROCLAMATIONS  | 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 24, 2018

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the City Council meeting of May 10, 2018.  
(MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

- C.1 Proclaiming June 23 - 24, 2018 as Relay for Life Tri-City F.U.N. Weekend.  
(PROCLAMATION)**

**Background/Discussion** – Relay for Life events from the cities of Newark, Union City, and Fremont have merged into Tri-City F.U.N. This year's event will take place the weekend of June 23-24, 2018 at Newark Community Park. A proclamation will be presented at the City Council meeting to the event organizers.

- 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.

- C.3 Presentation of Awards for Students, Teacher, and Classified Employee of the Year.  
(PRESENTATION)**

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

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORTS**

(It is recommended that Items F.1 through F.2 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 21 and 22, 2018 – 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 2018 Holy Ghost Festival:

- Small Parade, Saturday, July 21, from 1:00 p.m. – 3:00 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 22, from 10:45 a.m. – 2:30 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 and will deposit sufficient funds for the cost of Police and Maintenance personnel and equipment to provide traffic control for these events.

**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 21 and 22, 2018.

- F.2 Authorizing the City Manager to sign an agreement with VIEVU, LLC for Police Department Body Camera replacement and cloud storage – from Police Chief Carroll. (RESOLUTION)**

**Background** – In 2013, the City Council approved the purchase of body-worn camera (BWC) devices and a standalone storage solution from VIEVU, LLC (“VIEVU”). The

goal of the purchase was to provide a tool for institutional transparency, encouraging professional conduct, and offering additional evidence both in completing a crime report and in investigating complaints of police misconduct. Body-Worn cameras are for the benefit of all parties; supporting accusations of poor performance, unlawful behavior, misconduct while also protecting officers from false allegations. The use of video technology is becoming increasingly important to police work and communities who both seek better accountability and transparency.

A standalone storage solution was implemented in 2013 as Cloud storage was a relatively new concept, was very expensive, and not widely tested for the needed data security requirements of law enforcement.

Police Department staff recommends upgrading the current inventory of body-worn cameras to those with more efficient distribution capabilities. The improved body-worn cameras will provide a Cloud storage solution, configurable field-of-view, auto-activation and up to 3 minutes of “pre-event recording.”

Cloud storage for the large data files created by body-worn cameras has now been through rigorous security testing and has become more affordable as part of an overall body-worn camera program component. VIEVU offers Cloud storage through the federally compliant Microsoft AZURE software solution that meets the Police Department’s needs.

The configurable field-of-view refers to the adjustable angle field of view during recording. The Police Department can choose a 70, 95 or 120-degree angle view depending on the tactical situation. VIEVU advised the preferred view is 95 degrees as it provides the best depth and overall picture quality. VIEVU allows the camera to zoom out to 120 degrees during a large event such as a parade. This will help when identifying issues in a large crowd. The disadvantage to the 120-degree setting is the loss of picture clarity. VIEVU advised the 70-degree setting allows for a narrower field of view for an event that requires close contact. The 70-degree setting can at times be too small and limited in what the camera captures. The 70-degree setting should only be used if there was a specific identify need. The view angle is configurable by City of Newark Information Technology staff only and must be selected prior to the camera being deployed by the officer.

Pre-event recording refers to the camera’s ability to record video only in a loop for up to 3-minutes which allows for capturing actions before user activation of full recording capabilities. The pre-event record is video only, no audio is captured. After speaking with our IT unit, VIEVU, and the officers who tested the cameras, found a 30-second pre-event record was optimal for capturing needed data, while still protecting privacy rights of officers and the public.

The L5 (BWC) is currently testing several different Auto-On options, such as when an officer activates emergency lights and siren, or when a rifle is unlocked from the rifle rack. The camera can be set to Auto-On when a patrol vehicle reaches a designated

speed set by the agency. It is anticipated that this technology will be available and implemented by 2019.

VIEVU, LLC is currently working with Sunridge Systems (RIMS), the Police Department's current Computer Aided Dispatching and Records Management System to allow data captured on the L5 (BWC) to be downloaded and then migrated over and populated into the property section of RIMS. This will help save time when completing reports as well as remind officers that they have evidence that needs to be documented and accounted for.

A replacement of all body-worn cameras will provide the Police Department with the ability to provide all personnel with an individual camera. There will be a surplus of cameras to maintain operational capability when units need service, repair, or for events that require officers not typically assigned to field operations. The cameras have an average life-cycle of 36 to 48 months and will be cycled out and replaced at 30 months and again upon renewal of the contract at 60 months without charge, per the terms of the proposed Agreement. This will allow officers to have the most current (BWC) technology available.

In addition to the purchase of new cameras, staff recommends obtaining VIEVU's Solution Services to provide camera data management tools and offsite Cloud storage from its web-based application. This service will enable the Police Department to streamline responses for body-worn camera file requests by eliminating the need to reproduce DVD copies of files; rather, the application can generate secure share sites and links directly to recipients, such as the District Attorney. The software has a robust tracking and auditing feature controlled by the Police Department on a user-specific basis to prevent any fraudulent or unauthorized access to this investigative data.

It is because of all of these innovations that staff found the Viewu L5 (BWC) the best camera for the Police Department and recommends entering into a five-year "VIEVU Solution Premium Services Agreement" with VIEVU, LLC. The agreement includes 65 LE5 model cameras and ancillary equipment, maintenance, support, a refresh of equipment at 30 months, accompanying web-based software application provided on a "Software as a Service" basis, with 32.5 Terabytes (TB) of shared cloud-based storage space.

While other vendors have somewhat similar functionality, the software, storage, accessibility, and functionality remain the determining factors in selecting the vendor that best meets the needs of police department's body-worn camera program. There is also a significant challenge to consider on changing the current device and manufacturer - which is how to maintain and access the critical data files already created.

#### **COMPETITIVE BIDDING PROCESS AND EVALUTION**

The Santa Cruz County Sheriff's Department conducted a Request for Proposal (RFP) for new body-worn cameras in 2016. Upon completion of the formal selection process,

the County of Santa Cruz entered into a contract with Viewu, LLC to purchase 154 Body Worn Cameras.

The competitive open bid process used by the Santa Cruz County Sheriff's Department was reviewed by the Police Department and found that it satisfies the City of Newark's requirements for its proposed Body Camera replacement. Further review by the City Purchasing Officer resulted in the authorization for the City to participate in an intergovernmental procurement for the purchase and installation of the Viewu Body Worn Camera system and Cloud Storage with its federally compliant Microsoft AZURE software. By using the inter-governmental procurement process, the City is assured of the competitive set prices established by the Santa Cruz County Sheriff's Department formal selection process.

During the evaluation process, Police Department Staff received a competitive bid from Viewu which was lower than the Santa Cruz Sheriff's Department formal bid.

Body-worn cameras are customized with meta-data making them individual to each officer to afford the highest possible efficiency while deployed. VIEVU model LE5 body-worn camera has a record time of 12 plus hours and provides adjustable fields of view of 70, 95, and 120-degree angles for different tactical situations. We found the VIEVU L5 (BWC) the best camera for our agency.

The purchase of 65 VIEVU LE5 body-worn cameras, ancillary equipment such as charging docks, and software subscription will be \$40.00 per month per camera or \$34,242.00 annually. The total charge for the five-year contract, including \$15,210.00 for sales tax, is \$171,210.00 The police department will use existing budgeted equipment replacement funds to cover the cost of the new body-worn cameras. Execution of this agreement will stabilize the costs of the body-worn camera program and allow for regular equipment updates without requiring one-time costs every few years. Additional savings will be achieved in reducing the amount of staff time currently dedicated to this program from Information Technology and the Evidence Section of the Police Department.

#### **Attachment**

**Action** - It is recommended that the City Council,, by resolution, authorize the City Manager to sign a five-year agreement between the City of Newark and VIEVU, LLC for equipment and services to upgrade and supply the Newark Police Department with body-worn cameras.

## **NONCONSENT**

- F.3 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18, and 19 and setting June 28, 2018 for the public hearing – from Public Works Director Fajeau. (RESOLUTIONS-2)**

**Background/Discussion** – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18, and 19 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of

median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

Landscaping and Lighting District No. 18: Cedar Boulevard median on the frontage of Tract 8130 – The maintenance of landscaping and the landscape irrigation system within the Cedar Boulevard median area along the frontage of Tract 8130 between Central Avenue and Smith Avenue.

Landscaping and Lighting District No. 19: Willow Street and Enterprise Drive in the Bayside Newark Transit Oriented Development – Provides for the maintenance of landscaping and the landscape irrigation system within the Willow Street and Enterprise Drive medians and traffic circles, maintenance of public street lighting systems, and maintenance of other improvements in the Bayside Newark Transit Oriented Development.

In the opinion of bond counsel, Brown Act amendments requiring two hearings for increasing assessments do not apply to the annual budget hearings unless there is an addition to the improvements or a change in the formula for allocating the cost among benefited properties. Neither of these cases applies for each of the above districts and the annual public hearings are simply to adopt a budget for the upcoming year.

Upon conclusion of the annual public hearings, the assessments for the cost of the work are added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

#### **Attachment**

**Action** - It is recommended that the City Council, by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18, and 19 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 28, 2018.



**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 24, 2018. (MOTION)**

**M. CLOSED SESSION**

- M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1): *Carlos Olivarez v. City of Newark, et. Al Workers Compensation Appeals Board, Claim # ADJ#8406135* – from City Attorney Benoun and Human Resources Director Abe.**

**Background/Discussion** – The City Attorney has requested a closed session to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1).

**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.