



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, March 14, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager
Terrence Grindall
Assistant City Manager
Sandy Abe
Human Resources Director
Soren Fajeau
Public Works Director
Michael Carroll
Police Chief
David Zehnder
Recreation and Community
Services Director
Kristopher J. Kokotaylo
Interim 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. 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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A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of February 28, 2019.**
(MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming March as American Red Cross Month in Newark.**
(PROCLAMATION)

Background/Discussion – March is American Red Cross Month across the country. A proclamation has been prepared and a member of the American Red Cross Leadership Council will accept it at the City Council meeting.

- C.2 Newark Police Traffic Division presentation on traffic safety grant operations.**
(PRESENTATION)

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 Second reading and adoption of an ordinance to establish a Planned Development Overlay District at 6179 Robertson Avenue for 21 single family homes - from Assistant City Manager Grindall. (ORDINANCE)

Background/Discussion – Lafferty Communities submitted an application to allow construction of a residential project comprising of 21 single-family homes on a 3.9-acre site located at 6179 Robertson Avenue. On February 28, 2019 the City Council introduced an ordinance to establish a Planned Development Overlay District for this project. A Planned Development allows for variation from standards on certain plots while maintaining a compatible look and feel to the neighborhood. A second reading of the ordinance is required before adoption.

Attachment - Ordinance

Action - Staff recommends that the City Council, adopt the ordinance establishing a Planned Development Overlay District at 6179 Robertson Avenue (APNs: 092A-2141-102, 092A-2143-039, 092A-2143-040-01, 092A-2143-040-02, 092A-2143-041, and 092A-2143-042).

F.2 Initiation of proceedings for annexation of Tract 8099 and Tract 8436 to Zone 5 – Bridgeway of Landscaping and Lighting District No. 19, approval of the preliminary Engineer’s Report, declaration of intention to order annexation of Tract 8099 and Tract 8436 to the assessment district, and setting of public hearing date on May 9, 2019 – from Senior Civil Engineer Cangco. (RESOLUTION)

Background/Discussion – On December 13, 2016 the City Council approved the formation of Landscaping and Lighting District No. 19 (Resolution No. 10,585), located to the west of Willow Street between Seawind Way and Central Avenue. Lennar Homes of California, Inc., developer of Tract 8099 and Tract 8436 – Bridgeway, located west of Hickory Street between Central Avenue and Enterprise Drive, has submitted a petition requesting annexation to Landscaping and Lighting District No. 19.

Because the landscaping and lighting improvements associated with Tract 8099 and Tract 8436 will provide a different level of service and benefit to the parcels within Tract 8099 and Tract 8436 than to the parcels currently within Landscaping and Lighting District No. 19, it is recommended that Tract 8099 and Tract 8436 annex to, or join, Landscaping and Lighting District No. 19 as “Zone 5 – Bridgeway” to differentiate it from the existing zones listed below:

- Zone 1 – Bayshores
- Zone 2 – Lighthouse
- Zone 3 – Senior Housing
- Zone 4 – Glass Bay

A separate assessment rate will be calculated for each zone based on the distinct level of service and special benefit provided to each zone by the landscaping and lighting improvements within Landscaping and Lighting District No. 19.

A preliminary Engineer's Report has been prepared and is attached for City Council review. The annexation of Tract 8099 and Tract 8436 to Zone 5 – Bridgeway of Landscaping and Lighting District No. 19 is recommended for consideration by the City Council at a Public Hearing on May 9, 2019. Approval of the preliminary Engineer's Report and adoption of a Resolution would start the required 45-day noticing period for the Public Hearing.

The Landscaping and Lighting Act of 1972 allows local government to finance the costs and expenses of landscaping and lighting of public areas. Annexation of Tract 8099 and Tract 8436 to Zone 5 – Bridgeway of Landscaping and Lighting District No. 19 would provide for:

- I. The maintenance of the landscaping, landscape irrigation system, and street lighting system within the median islands and traffic circle at the intersection of Hickory Street and Seawind Way;
- II. The maintenance of the landscaping and landscape irrigation system within the median islands at the termination of Seawind Way;
- III. The maintenance of street lighting system along the project frontage on Hickory Street;
- IV. The maintenance of an "in-tract" street lighting system along the following public street frontages: Headlands Avenue, Bay Breeze Street, and Seawind Way;
- V. The maintenance of trash capture devices located along the project frontage on Hickory Street;
- VI. The maintenance of trash capture devices located within the "in-tract" public rights-of-way; and
- VII. The maintenance of the trail area along the project boundary.

Maintenance of landscape improvements along public street frontages within Tract 8099 and Tract 8436 will be the responsibility of the developer and eventually the Homeowner's Association of Tract 8099 and Tract 8436. The Homeowner's Association will maintain these landscape improvements to ensure efficient use of the irrigation system. The developer has signed a Landscape Maintenance Agreement that would transfer the maintenance responsibilities to the Homeowner's Association upon formation.

Based on the preliminary Engineer's Report, the maximum assessment for Fiscal Year 2019-20 for Zone 5 – Bridgeway would be \$80.00 for each single-family unit and \$60.00 for each multi-family unit within Tract 8099 and Tract 8436, for a total district assessment of \$40,680.00. To cover rising energy and water rates, the maximum assessment rate would be adjusted annually based on the Consumer Price Index or three percent (3%),

whichever is greater. The annual assessment rate would be less than or equal to the adjusted maximum assessment rate established for that fiscal year.

In accordance with Proposition 218, a parcel's assessment for any certain improvement shall be based on the proportional special benefit conferred on that parcel by that improvement. As discussed in the Engineer's Report, special benefits from the landscaping and lighting improvements along Hickory Street and Seawind Way are shared by parcels within Landscaping and Lighting District No. 19 outside of Zone 5 – Bridgeway as well as parcels outside the District that are located adjacent to Hickory Street and Seawind Way. The share of special benefit from the landscaping and lighting improvements along Hickory Street and Seawind Way received by parcels outside of Zone 5 – Bridgeway must be funded by the City because these benefits are outside of Zone 5. Based on the number of residential units outside of Zone 5 – Bridgeway that could potentially receive special benefit from the landscaping and lighting improvements along Hickory Street and Seawind Way, the City's share of the \$3,739.23 of total annual maintenance costs for the Hickory Street and Seawind Way lighting and landscaping improvements is \$2,012.27.

Similarly, while trash capture devices provide a certain level of special benefit to the parcels within Zone 5 – Bridgeway, they also provide a general benefit to the City of Newark as a whole by reducing the amount of trash and contaminants in our streams and bay. Based on studies from the Environmental Protection Agency and California Water Board, it is estimated that eighty percent (80%) of trash that ends up in our waterways originates on land. Therefore, the City's contribution for the general benefits from the trash capture devices is 80% of the \$9,999.17 of total annual maintenance and reserve costs for the trash capture devices installed within Zone 5 – Bridgeway, or \$7,999.34 per year, for a total City contribution towards the maintenance of Zone 5 – Bridgeway improvements of \$10,011.61 per year.

Attachments - Resolution
Engineer's Report

Action – It is recommended that the City Council, by resolution: (1) initiate proceedings for the annexation of Tract 8099 and Tract 8436 to Zone 5 – Bridgeway Development of Landscaping and Lighting District No. 19, (2) approve the preliminary Engineer's Report, (3) declare the intention to order the annexation of Tract 8099 and Tract 8436 to the assessment district, and (4) set the Public Hearing date on May 9, 2019.

F.3 Authorization for the City Manager to execute Task Order No. 1 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014 – from Public Works Director Fajau.

(RESOLUTION)

Background/Discussion – The City previously entered into a City Council authorized Contractual Services Agreement with Quincy Engineering, Inc., for the design of the Central Avenue Overpass, Project 1014. The design phase for this project is funded through a Project Specific Funding Agreement with the Alameda County Transportation Commission. As the design of the overhead bridge structure and roadway progresses

towards completion, a task order is needed under the existing agreement for an increase in the scope of services to be provided by Quincy Engineering, Inc.

Much of the remaining work associated with the design phase is related to utility relocation needs for the project and coordination with nearby property owners. It is anticipated that the final design will be completed this summer. The additional scope of services is focused on a variety of design needs, including but not limited to the following:

- Traffic management plan reports and analysis
- Traffic signal design and coordination
- Utility relocation design and coordination
- Additional analysis of roadway alternatives and bridge structure types
- Additional environmental investigations and reports
- Advanced right-of-way surveying, mapping and appraisal services
- Additional property owner coordination
- Additional project management services associated with these increased activities

The original not-to-exceed amount under the Contractual Services Agreement with Quincy Engineering, Inc. is \$1,894,000. The proposed task order for the services listed above is estimated at \$860,000, for a total proposed not-to-exceed amount under the agreement of \$2,754,000. This project was programmed with the Alameda County Transportation Commission with funding for the final design in the amount of \$2,765,000, and the 2018-2020 Biennial Budget and Capital Improvement Plan reflects this funding level.

The existing budget for the design phase of the Central Avenue Overpass project is sufficient for this proposed task order. Although no budget amendment is necessary, authorization is needed for the City Manager to sign the task order for the increase in the not-to-exceed amount under the existing Contractual Services Agreement.

Attachments – Resolution, Task Order No. 1, Exhibit A

Action – It is recommended that the City Council, by resolution, authorize the City Manager to execute Task Order No. 1 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014.

F.4 Resolution approving the Inter-Governmental Collaboration Agreement to fund a fair housing assessment document for jurisdictions participating in the Alameda County Urban County – from Senior Planner Mangalam. (RESOLUTION)

Background/Discussion – On an annual basis, the City of Newark receives federal Community Development Block Grant (CDBG) funding from the United States Department of Housing and Urban Development (HUD). Newark's funds are disbursed through Alameda County. HUD requires the County to submit a fair housing assessment document in order to receive CDBG funds.

The City is required to prepare an Analysis of Impediments to Fair Housing Choice, a tool which HUD funded program participants must prepare and use to identify and evaluate fair housing issues and factors contributing to fair housing issues in their defined geographic area.

The cities of Albany, Dublin, Emeryville, Piedmont, and Newark, and the County of Alameda, are collaborating to prepare this document. Alameda County facilitated the competitive procurement of the consultant that will develop this document and will coordinate the regional effort to prepare it.

The total cost for the consultant is \$128,390. The City of Newark's share of the total cost is \$1,059.43, paid for with CDBG administrative funds. The City's regional participation will ensure that the City meets HUD's requirements while reducing the administrative and financial burdens of completing the document separately. Additionally, many fair housing issues cross jurisdictional boundaries. Thus, working regionally will help ensure that goals are consistent and collaborative. Alameda County will act as lead agency in the development and completion of the document which will ultimately be circulated and completed for each of the participating agencies.

Attachments – Resolution
Agreement

Action – Staff recommends that the City Council, by resolution: authorize the City Manager to take all appropriate action and execute the Inter-Governmental Collaboration Agreement to fund a fair housing assessment for jurisdictions participating in the Alameda County Urban County.

NONCONSENT

- F.5 Authorization for the City to accept the U.S. Department of Homeland Security, California Governor's Office of Emergency Services (Cal OES) 2017 State Homeland Security Grant awards and amending the 2018-2020 Biennial Budget for a Mobile Command Vehicle – from Acting Police Captain Macias. (RESOLUTION)**

Summary - The Alameda County Sheriff's Office (ACSO) submitted an application for both the 2016 and 2017 State Homeland Security Grant Program (SHSGP) on behalf of various agencies within the county and will manage and administer the approved funding. The SHSGP enhances the capabilities of law enforcement, emergency medical and management services, public works and public health and their abilities to respond to acts of terrorism involving chemical, biological, or nuclear weapons. The Alameda County Board of Supervisors accepted funding for the Newark Police Department in the amount of \$35,000 in Fiscal Year 2016 that has been extended to Fiscal Year 2017. The Alameda County Office of Emergency Services has confirmed that there is an opportunity to utilize these funds in combination with the funding in the amount of \$100,000 which has been

allocated to the Newark Police Department to purchase a mobile command vehicle, thereby increasing total grant funding to \$135,000.00. City staff requests additional funding of \$75,996.89 through an amendment to the 2018-2020 Biennial Budget.

After-action review of several significant incidents over the last few years, most notably the June 1, 2016 police response to the City of Fremont to assist with an officer involved shooting where two officers were critically wounded and an extended crisis negotiation that took place with the suspect, the Newark Police Department has identified the need for a Mobile Command Vehicle. The vehicle would enable the Police Department to provide continuity of service in the event that the Police Station (including dispatch center) was incapacitated or otherwise uninhabitable, as well as provide the flexibility for field-based incident and event management.

Background - The Police Department currently has a travel trailer, purchased in 2005, that is relied upon to serve a variety of functions. It is occasionally used as a mobile command post, but it is not readily equipped to serve that function and is primarily used as it was initially intended – i.e., storage and transport of DUI and commercial checkpoint equipment. Additionally, due to its truck and trailer attachment requirements there is a significant increase in response time capability for in progress events.

To further illustrate this matter, the entire Newark Police Department Special Weapons and Tactics Team (SWAT) and Crisis Negotiations Team (CNT) responded to assist on the previously mentioned incident in the City of Fremont. The Newark Police Department SWAT/CNT Team handled the lead tactical and negotiations responsibilities. During this incident, the Police Department could not use the trailer in the most efficient manner, even though it was delivered to the scene, due to its size, outdated equipment, and wide open floor plan. Because the suspect in this case indicated he was holding a hostage, the Police Department's Crisis Negotiators and SWAT Tactical Command were forced to leave the trailer and use another agency's mobile command center.

More recently, on January 26, 2018, an extended crisis negotiation with a teen contemplating suicide, required a full response from the CNT. Although a bulk of the negotiations were conducted face to face, the team relied upon patrol and detective vehicles to provide privacy to coordinate statements from family. A command vehicle with a dedicated workspace for CNT members could have provided a more efficient and effective environment to obtain and coordinate intelligence that could help preserve life.

As the frequency of these types of incidents have increased, the Police Department began researching best practices for design of mobile command vehicles. It was determined that the vehicle should have the capability to serve as both a command post and CNT work space. A command post and CNT area should also be nearby to relay intelligence but also have privacy for negotiators to have a one on one conversation. A mobile command vehicle would also provide the Police Department with the capability to manage large-scale events or serious tactical incidents from any location with vehicle access. From such a location, the mobile command vehicle would provide key operational capabilities such as communications and technology at the same level as if the command center were located at the Police Station. Finally, the mobile command vehicle would serve as a

resource management center, rallying point for outside resources, and location for centralized and unified command.

Staff issued an invitation to bid to specialty vendors: LDV Inc., Braun NorthWest Inc., and Golden State Fire Apparatus. The lowest bid was received from LDV Inc., a Wisconsin based company, which has built hundreds of custom mobile command vehicles and is widely regarded as an industry leader in design and innovation. A picture of the vehicle type and a rendering of the vehicle with exterior graphics is attached.

The initial costs of the vehicle are as follows:

Vehicle (with galley option)	\$169,486.00
Vehicle Tax	\$16,524.89

Staff is requesting that the City Council authorize a 10% contingency for unseen or unexpected design needs, and/or a manufacturer visit, that, if needed, could be executed by the City Manager. Pricing for a police radio and exterior graphics have been provided by contracted vendors as follows:

Contingency Budget	\$16,486.00
Police radio (with tax)	\$6500.00
<u>Vehicle Exterior Graphics (with tax)</u>	<u>\$2000.00</u>
 Total	 \$210,996.89

The grant funds will cover \$135,000.00 and a budget amendment of \$75,996.89 is requested. The 2018-2020 Biennial Budget would be amended as follows:

From Account: 010-0000-2991 General Fund Unallocated Fund Balance \$ 75,996.89

To Account:010-1030-7052 Police Vehicle \$75,996.89

**Attachment - Resolution
Graphics (2)**

Action - It is recommended that the City Council, by resolution, authorize the City to accept the U.S. Department of Homeland Security, California Governor’s Office of Emergency Services (Cal OES) 2017 State Homeland Security Grant awards and amending the 2018-2020 Biennial Budget for a Mobile Command Vehicle.

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 for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Regina Mannings v. City of Newark; Alameda County Superior Court, Case No. RG17871750 – from Interim City Attorney Kokotaylo.**

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.



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(MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming March as American Red Cross Month in Newark.**
(PROCLAMATION)

Background/Discussion – March is American Red Cross Month across the country. A proclamation has been prepared and a member of the American Red Cross Leadership Council will accept it at the City Council meeting.

- C.2 Newark Police Traffic Division presentation on traffic safety grant operations.**
(PRESENTATION)

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CONSENT

F.1 Second reading and adoption of an ordinance to establish a Planned Development Overlay District at 6179 Robertson Avenue for 21 single family homes - from Assistant City Manager Grindall. (ORDINANCE)

Background/Discussion – Lafferty Communities submitted an application to allow construction of a residential project comprising of 21 single-family homes on a 3.9-acre site located at 6179 Robertson Avenue. On February 28, 2019 the City Council introduced an ordinance to establish a Planned Development Overlay District for this project. A Planned Development allows for variation from standards on certain plots while maintaining a compatible look and feel to the neighborhood. A second reading of the ordinance is required before adoption.

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Background/Discussion – On December 13, 2016 the City Council approved the formation of Landscaping and Lighting District No. 19 (Resolution No. 10,585), located to the west of Willow Street between Seawind Way and Central Avenue. Lennar Homes of California, Inc., developer of Tract 8099 and Tract 8436 – Bridgeway, located west of Hickory Street between Central Avenue and Enterprise Drive, has submitted a petition requesting annexation to Landscaping and Lighting District No. 19.

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- VI. The maintenance of trash capture devices located within the "in-tract" public rights-of-way; and
- VII. The maintenance of the trail area along the project boundary.

Maintenance of landscape improvements along public street frontages within Tract 8099 and Tract 8436 will be the responsibility of the developer and eventually the Homeowner's Association of Tract 8099 and Tract 8436. The Homeowner's Association will maintain these landscape improvements to ensure efficient use of the irrigation system. The developer has signed a Landscape Maintenance Agreement that would transfer the maintenance responsibilities to the Homeowner's Association upon formation.

Based on the preliminary Engineer's Report, the maximum assessment for Fiscal Year 2019-20 for Zone 5 – Bridgeway would be \$80.00 for each single-family unit and \$60.00 for each multi-family unit within Tract 8099 and Tract 8436, for a total district assessment of \$40,680.00. To cover rising energy and water rates, the maximum assessment rate would be adjusted annually based on the Consumer Price Index or three percent (3%),

whichever is greater. The annual assessment rate would be less than or equal to the adjusted maximum assessment rate established for that fiscal year.

In accordance with Proposition 218, a parcel's assessment for any certain improvement shall be based on the proportional special benefit conferred on that parcel by that improvement. As discussed in the Engineer's Report, special benefits from the landscaping and lighting improvements along Hickory Street and Seawind Way are shared by parcels within Landscaping and Lighting District No. 19 outside of Zone 5 – Bridgeway as well as parcels outside the District that are located adjacent to Hickory Street and Seawind Way. The share of special benefit from the landscaping and lighting improvements along Hickory Street and Seawind Way received by parcels outside of Zone 5 – Bridgeway must be funded by the City because these benefits are outside of Zone 5. Based on the number of residential units outside of Zone 5 – Bridgeway that could potentially receive special benefit from the landscaping and lighting improvements along Hickory Street and Seawind Way, the City's share of the \$3,739.23 of total annual maintenance costs for the Hickory Street and Seawind Way lighting and landscaping improvements is \$2,012.27.

Similarly, while trash capture devices provide a certain level of special benefit to the parcels within Zone 5 – Bridgeway, they also provide a general benefit to the City of Newark as a whole by reducing the amount of trash and contaminants in our streams and bay. Based on studies from the Environmental Protection Agency and California Water Board, it is estimated that eighty percent (80%) of trash that ends up in our waterways originates on land. Therefore, the City's contribution for the general benefits from the trash capture devices is 80% of the \$9,999.17 of total annual maintenance and reserve costs for the trash capture devices installed within Zone 5 – Bridgeway, or \$7,999.34 per year, for a total City contribution towards the maintenance of Zone 5 – Bridgeway improvements of \$10,011.61 per year.

Attachments - Resolution
Engineer's Report

Action – It is recommended that the City Council, by resolution: (1) initiate proceedings for the annexation of Tract 8099 and Tract 8436 to Zone 5 – Bridgeway Development of Landscaping and Lighting District No. 19, (2) approve the preliminary Engineer's Report, (3) declare the intention to order the annexation of Tract 8099 and Tract 8436 to the assessment district, and (4) set the Public Hearing date on May 9, 2019.

F.3 Authorization for the City Manager to execute Task Order No. 1 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014 – from Public Works Director Fajeau.

(RESOLUTION)

Background/Discussion – The City previously entered into a City Council authorized Contractual Services Agreement with Quincy Engineering, Inc., for the design of the Central Avenue Overpass, Project 1014. The design phase for this project is funded through a Project Specific Funding Agreement with the Alameda County Transportation Commission. As the design of the overhead bridge structure and roadway progresses

towards completion, a task order is needed under the existing agreement for an increase in the scope of services to be provided by Quincy Engineering, Inc.

Much of the remaining work associated with the design phase is related to utility relocation needs for the project and coordination with nearby property owners. It is anticipated that the final design will be completed this summer. The additional scope of services is focused on a variety of design needs, including but not limited to the following:

- Traffic management plan reports and analysis
- Traffic signal design and coordination
- Utility relocation design and coordination
- Additional analysis of roadway alternatives and bridge structure types
- Additional environmental investigations and reports
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- Additional property owner coordination
- Additional project management services associated with these increased activities

The original not-to-exceed amount under the Contractual Services Agreement with Quincy Engineering, Inc. is \$1,894,000. The proposed task order for the services listed above is estimated at \$860,000, for a total proposed not-to-exceed amount under the agreement of \$2,754,000. This project was programmed with the Alameda County Transportation Commission with funding for the final design in the amount of \$2,765,000, and the 2018-2020 Biennial Budget and Capital Improvement Plan reflects this funding level.

The existing budget for the design phase of the Central Avenue Overpass project is sufficient for this proposed task order. Although no budget amendment is necessary, authorization is needed for the City Manager to sign the task order for the increase in the not-to-exceed amount under the existing Contractual Services Agreement.

Attachments – Resolution, Task Order No. 1, Exhibit A

Action – It is recommended that the City Council, by resolution, authorize the City Manager to execute Task Order No. 1 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014.

F.4 Resolution approving the Inter-Governmental Collaboration Agreement to fund a fair housing assessment document for jurisdictions participating in the Alameda County Urban County – from Senior Planner Mangalam. (RESOLUTION)

Background/Discussion – On an annual basis, the City of Newark receives federal Community Development Block Grant (CDBG) funding from the United States Department of Housing and Urban Development (HUD). Newark’s funds are disbursed through Alameda County. HUD requires the County to submit a fair housing assessment document in order to receive CDBG funds.

The City is required to prepare an Analysis of Impediments to Fair Housing Choice, a tool which HUD funded program participants must prepare and use to identify and evaluate fair housing issues and factors contributing to fair housing issues in their defined geographic area.

The cities of Albany, Dublin, Emeryville, Piedmont, and Newark, and the County of Alameda, are collaborating to prepare this document. Alameda County facilitated the competitive procurement of the consultant that will develop this document and will coordinate the regional effort to prepare it.

The total cost for the consultant is \$128,390. The City of Newark's share of the total cost is \$1,059.43, paid for with CDBG administrative funds. The City's regional participation will ensure that the City meets HUD's requirements while reducing the administrative and financial burdens of completing the document separately. Additionally, many fair housing issues cross jurisdictional boundaries. Thus, working regionally will help ensure that goals are consistent and collaborative. Alameda County will act as lead agency in the development and completion of the document which will ultimately be circulated and completed for each of the participating agencies.

**Attachments – Resolution
Agreement**

Action – Staff recommends that the City Council, by resolution: authorize the City Manager to take all appropriate action and execute the Inter-Governmental Collaboration Agreement to fund a fair housing assessment for jurisdictions participating in the Alameda County Urban County.

NONCONSENT

F.5 Authorization for the City to accept the U.S. Department of Homeland Security, California Governor's Office of Emergency Services (Cal OES) 2017 State Homeland Security Grant awards and amending the 2018-2020 Biennial Budget for a Mobile Command Vehicle – from Acting Police Captain Macias. (RESOLUTION)

Summary - The Alameda County Sheriff's Office (ACSO) submitted an application for both the 2016 and 2017 State Homeland Security Grant Program (SHSGP) on behalf of various agencies within the county and will manage and administer the approved funding. The SHSGP enhances the capabilities of law enforcement, emergency medical and management services, public works and public health and their abilities to respond to acts of terrorism involving chemical, biological, or nuclear weapons. The Alameda County Board of Supervisors accepted funding for the Newark Police Department in the amount of \$35,000 in Fiscal Year 2016 that has been extended to Fiscal Year 2017. The Alameda County Office of Emergency Services has confirmed that there is an opportunity to utilize these funds in combination with the funding in the amount of \$100,000 which has been

allocated to the Newark Police Department to purchase a mobile command vehicle, thereby increasing total grant funding to \$135,000.00. City staff requests additional funding of \$75,996.89 through an amendment to the 2018-2020 Biennial Budget.

After-action review of several significant incidents over the last few years, most notably the June 1, 2016 police response to the City of Fremont to assist with an officer involved shooting where two officers were critically wounded and an extended crisis negotiation that took place with the suspect, the Newark Police Department has identified the need for a Mobile Command Vehicle. The vehicle would enable the Police Department to provide continuity of service in the event that the Police Station (including dispatch center) was incapacitated or otherwise uninhabitable, as well as provide the flexibility for field-based incident and event management.

Background - The Police Department currently has a travel trailer, purchased in 2005, that is relied upon to serve a variety of functions. It is occasionally used as a mobile command post, but it is not readily equipped to serve that function and is primarily used as it was initially intended – i.e., storage and transport of DUI and commercial checkpoint equipment. Additionally, due to its truck and trailer attachment requirements there is a significant increase in response time capability for in progress events.

To further illustrate this matter, the entire Newark Police Department Special Weapons and Tactics Team (SWAT) and Crisis Negotiations Team (CNT) responded to assist on the previously mentioned incident in the City of Fremont. The Newark Police Department SWAT/CNT Team handled the lead tactical and negotiations responsibilities. During this incident, the Police Department could not use the trailer in the most efficient manner, even though it was delivered to the scene, due to its size, outdated equipment, and wide open floor plan. Because the suspect in this case indicated he was holding a hostage, the Police Department's Crisis Negotiators and SWAT Tactical Command were forced to leave the trailer and use another agency's mobile command center.

More recently, on January 26, 2018, an extended crisis negotiation with a teen contemplating suicide, required a full response from the CNT. Although a bulk of the negotiations were conducted face to face, the team relied upon patrol and detective vehicles to provide privacy to coordinate statements from family. A command vehicle with a dedicated workspace for CNT members could have provided a more efficient and effective environment to obtain and coordinate intelligence that could help preserve life.

As the frequency of these types of incidents have increased, the Police Department began researching best practices for design of mobile command vehicles. It was determined that the vehicle should have the capability to serve as both a command post and CNT work space. A command post and CNT area should also be nearby to relay intelligence but also have privacy for negotiators to have a one on one conversation. A mobile command vehicle would also provide the Police Department with the capability to manage large-scale events or serious tactical incidents from any location with vehicle access. From such a location, the mobile command vehicle would provide key operational capabilities such as communications and technology at the same level as if the command center were located at the Police Station. Finally, the mobile command vehicle would serve as a

resource management center, rallying point for outside resources, and location for centralized and unified command.

Staff issued an invitation to bid to specialty vendors: LDV Inc., Braun NorthWest Inc., and Golden State Fire Apparatus. The lowest bid was received from LDV Inc., a Wisconsin based company, which has built hundreds of custom mobile command vehicles and is widely regarded as an industry leader in design and innovation. A picture of the vehicle type and a rendering of the vehicle with exterior graphics is attached.

The initial costs of the vehicle are as follows:

Vehicle (with galley option)	\$169,486.00
Vehicle Tax	\$16,524.89

Staff is requesting that the City Council authorize a 10% contingency for unseen or unexpected design needs, and/or a manufacturer visit, that, if needed, could be executed by the City Manager. Pricing for a police radio and exterior graphics have been provided by contracted vendors as follows:

Contingency Budget	\$16,486.00
Police radio (with tax)	\$6500.00
<u>Vehicle Exterior Graphics (with tax)</u>	<u>\$2000.00</u>
 Total	 \$210,996.89

The grant funds will cover \$135,000.00 and a budget amendment of \$75,996.89 is requested. The 2018-2020 Biennial Budget would be amended as follows:

From Account: 010-0000-2991 General Fund Unallocated Fund Balance \$ 75,996.89

To Account:010-1030-7052 Police Vehicle \$75,996.89

Attachment - Resolution
Graphics (2)

Action - It is recommended that the City Council, by resolution, authorize the City to accept the U.S. Department of Homeland Security, California Governor’s Office of Emergency Services (Cal OES) 2017 State Homeland Security Grant awards and amending the 2018-2020 Biennial Budget for a Mobile Command Vehicle.

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 for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Regina Mannings v. City of Newark; Alameda County Superior Court, Case No. RG17871750 – from Interim City Attorney Kokotaylo.**

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.