

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, April 25, 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
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:

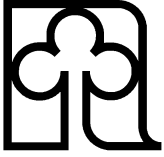
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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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Thursday, April 25, 2019

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meetings of April 11, 2019.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming May as National Water Safety Month. (PROCLAMATION)**

Background/Discussion – In recognition of the popularity of swimming and other water-related recreational activities, and the resulting need for ongoing public education on safer water practices, the month of May 2019 has been designated as National Water Safety Month.

Recreation and Community Services staff will be at the meeting to accept the proclamation.

- C.2 Proclaiming May 2, 2019, as National Day of Prayer. (PROCLAMATION)**

Background/Discussion – May 2, 2019, has been designated as National Day of Prayer in Newark. Pastor Emeritus Ed Moore will be at the meeting to accept the proclamation.

- C.3 Proclaiming May 9 - 19, 2019, as East Bay Affordable Housing Week.
(PROCLAMATION)**

Background/Discussion – May 9 to 19, 2019, has been designated East Bay Affordable Housing Week. A proclamation has been prepared and a representative from the East Bay Housing Organizations will accept it at the meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider property owners' objections to the 2019 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances - from Deputy Fire Marshal Lee and Assistant Maintenance Superintendent Hornbeck. (MOTION)

Background/Discussion - On March 28, 2019, the City Council adopted Resolution No. 10908 initiating the 2019 Weed Abatement Program and setting a public hearing for April 25, 2019. The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Marshal. Property owners may object in person by attending this hearing or by letter.

Notices were mailed to the property owners, as listed on the County Assessor's roll, after the March 28, City Council meeting giving them until April 30, 2019, to advise the City if they would abate the weeds themselves. The City enclosed a postage paid notice for the property owners to return to the City. As of April 17, 2019, no written objections have been received. Several owners have notified staff that they will perform the work themselves. Property owners who want to do their own abatement must do so before the City's contract work begins. The tentative City schedule is for the work to begin on May 15 and be completed by June 30, 2019. All properties that the City performs the abatement work on will be assessed the full cost of that work, including administration costs.

If objections are received prior to or during the public hearing, the Council should consider the objections; and then, by motion, allow or overrule the objections. The Council may then instruct the Superintendent of Streets to abate the public nuisance on the parcels remaining in the program.

Attachment – List of Properties.

Action - It is recommended that the City Council, by motion, act upon any objections by property owners to the 2019 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.3 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 to reclassify one Community Services Officer position to Public Safety Evidence Clerk by amending the Employee Classification Plan, and the Memorandum of Understanding between the City of Newark and the Newark Police Association - from Police Chief Carroll and Human Resources Director Abe. (RESOLUTIONS – 2)

Background/Discussion – The Police Department and the Human Resources Department are recommending the reclassification of one Community Services Officer position to Public Safety Evidence Clerk to run the daily operations of the Police Evidence and Properties Room. This position is responsible for the proper storage, security and distribution of evidence, and other property in the custody of the Police Department.

The Police Department’s Property Room is currently staffed by a Community Services Officer. With over 30 years of distinguished City service, the incumbent has announced plans to retire this summer. The proposed new classification updates and describes the position’s specialized duties and responsibilities.

The key responsibilities of the Public Safety Evidence Clerk include the following:

- Receive, seal, store, and maintain strict security control of all incoming evidence and property acquired by the Police Department.
- Maintain “chain of custody” property reports and enter the documentation in the Property Management System.
- Preserve all property and evidence from contamination, theft and/or loss.
- Conduct regular audits and inventories.
- Track and oversee the release of evidence for court, crime lab analysis or investigative use ensuing legal standard compliance and accurate documentation.

The recommended monthly salary range of \$5,990 to \$7,281 is based on both internal and regional labor market salary relationships. The salary recommendation results in a cost savings of approximately 6.1% when compared to the salary for Community Services Officer, a classification that requires a greater range of duties and responsibilities.

Action - Staff recommends that the City Council adopt two resolutions: (1) amending Resolution No. 2505, Employee Classification Plan, to add one new classification entitled Public Safety Evidence Clerk and (2) amending Resolution No. 10676, the Memorandum of Understanding between the City of Newark and the Newark Police Association to add the classification, entitled Public Safety Evidence Clerk.

F.2 Approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2019-2020 Project List – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – In April 2017, the State Legislature passed and Governor Brown approved Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. SB1 established the Road Maintenance and Rehabilitation Program and provides a significant, stable and ongoing increase in state transportation funding to address deferred maintenance on the state highway and local streets and road systems. Funds for the program are deposited into the State Transportation Fund, Road Maintenance and Rehabilitation Account (RMRA). The funds come from increased gasoline excise taxes, diesel fuel sales taxes, and vehicle registration fees.

SB1 is projected to generate over \$5 billion annually for State and local transportation improvements. Cities and counties are slated to receive \$1.5 billion per year for Local Street and Road Maintenance. Allocations of funds to cities will be based upon population.

It is projected that the City of Newark will receive approximately \$786,000 of RMRA funds for Fiscal Year 2019-2020. This funding is in addition to the Highway Users Tax Account funds that the City receives annually (commonly known as “Gas Tax” funds). RMRA funding is included as part of the City’s 2018-2020 Biennial Budget and Capital Improvement Plan.

In order to receive RMRA funds from the State, SB1 requires cities and counties to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds. RMRA funds are required to be used towards projects which include, but are not limited to:

- Road maintenance and rehabilitation
- Safety improvements
- Railroad grade separations
- Traffic control devices
- Complete Street components, which include active transportation elements, pedestrian and bicycle safety improvements, transit facilities, and drainage and storm-water capture measures in conjunction with other allowable projects

For Fiscal Year 2019-2020, staff recommends that City Council approve the following RMRA project list:

Project Title
Lindsay Tract Street and Storm Drain Improvements (Design and Construction)

The Lindsay Tract includes the following street segments:

- George Avenue west of Cherry Street
- Mulberry Street north of Dairy Avenue
- Olive Street north of Dairy Avenue
- Magnolia Street between Dairy Avenue and Sycamore Street

Streets within the Lindsay Tract have sidewalk and full roadway paving, but do not have traditional concrete vertical curb and gutter. Instead, asphalt concrete “rolled” curbs are in place. Due to the lack of adequate slope and drainage facilities on these streets, stormwater repeatedly ponds along the gutter, resulting in the significant and on-going decline of the asphalt concrete roadway paving, rolled curbs and driveways. The Lindsay Tract Street and Storm Drain Improvements would reconstruct the deteriorated roadway pavement and install storm drain, complete streets and green infrastructure improvements.

The RMRA project list is neither binding nor inclusive. Including a project on the list does not obligate the City to complete the project nor does it limit the flexibility of the City to use RMRA funds toward projects not originally included on the list, so long as the project meets the eligibility criteria listed above.

For the current Fiscal Year 2018-2019, RMRA funds will be used towards the 2019 Asphalt Overlay Project No. 1227, scheduled for construction this summer.

Attachments – Resolution

Action – It is recommended that the City Council, by resolution approve the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2019-2020 Project List.

F.3 Approval of a Contractual Services Agreement with Universal Building Services and Supply Company in an amount not to exceed \$460,000 for janitorial services for the Silliman Activity and Family Aquatic Center and other City buildings and amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan – from Maintenance Superintendent Connolly. (RESOLUTION)

Background/Discussion – The City of Newark regularly utilizes outside consultants to perform ongoing janitorial services to City buildings. The Maintenance Division of the Public Works Department prepared and released two open and competitive Requests for Proposals (RFP) in accordance with the City’s Purchasing Rules and Regulations for Janitorial Services for: (1) the Silliman Activity and Family Aquatic Center; and (2) all other City buildings. The RFPs specified that selection(s) would be made based on the proposed cost for services, experience of staff and management team, proposed methodology, quality control program, satisfaction of previous clients and quality of referenced work, proficiency with billing practices, financial stability of company, quality and completeness of proposals, and other factors.

Staff received a total of six (6) proposals were received from the following proposers:

Enviro-Clean Services, Inc.
Imperial Maintenance Services, Inc.
Karla’s Janitorial Services and Suppliers, Inc.
RBC Enterprises
SWA Services Group, Inc.
Universal Building Services and Supply Company

Proposals from each of these firms were evaluated based on the selection criteria listed above and interviews were conducted with the firms having the three highest rated proposals. This included RBC Enterprises, SWA Services Group, Inc., and Universal Building Services and Supply Company (UBS). UBS provided the most comprehensive proposal and interview presentation that satisfied the stated selection criteria. UBS has successfully provided services of a similar nature to other local municipalities including the City of Burlingame, the City of Concord, and the City of San Ramon. Based on staff’s analysis, UBS would provide the best overall value to the City for janitorial services. Staff

is therefore recommending the selection of Universal Building Services and Supply Company to provide janitorial services for the remainder of fiscal year 2018-2019 and for fiscal year 2019-2020.

The Contractual Services Agreement would begin on May 1, 2019, and expire on June 30, 2020, with options for renewal of up to two (2) additional one (1) year terms upon mutual consent of the City and UBS as authorized by the Public Works Director, subject to available funding levels to be approved by the City Council. Under the terms of the agreement, UBS would provide the requested services in an amount not to exceed \$460,000 combined for remaining fiscal year 2018-2019 and fiscal year 2019-2020. Renewal contract prices may be increased annually by the consumer price index identified in the agreement.

An amendment to the 2018-2020 Biennial Budget and Capital Improvement Plan is necessary to provide \$62,000 in additional funding for fiscal year 2019-2020 for this service contract. The need for the increase is being driven by current market conditions for janitorial services.

Attachments – Resolution; Contractual Services Agreement

Action - Staff recommends that the City Council, by resolution, approve a Contractual Services Agreement with Universal Building Services and Supply, Inc. in an amount not to exceed \$460,000 for janitorial services for the Silliman Activity and Family Aquatic Center and other City Buildings and an amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan.

NONCONSENT

- F.4 Approval of plans and specifications, acceptance of bid, and award of contract for the Base Bid and Additive Alternate Bid Nos. 1, 2, 3, 4, 4A, 5 and 7 to O.C. Jones & Sons, Inc. for Sportsfield Park Synthetic Turf Fields and Newark Skate Park at Sportsfield Park, Project Nos. 1192 and 1193 and amendment of the 2018-2020 Biennial Budget for Fiscal Year 2018-2019 – from Assistant City Engineer Imai. (MOTION)(RESOLUTION)**

Background/Discussion – The Citywide Parks Master Plan, adopted by the City Council in June 2017, identified the construction of a new skate park and replacement all-weather synthetic turf fields at Sportsfield Park as high priority projects. In September 2018, the City Council approved Final Conceptual Master Plans for Sportsfield Park Synthetic Turf Fields and Newark Skate Park at Sportsfield Park, Project Nos. 1192 and 1193.

Sportsfield Park Synthetic Turf Fields, Project No. 1192

The Sportsfield Park Synthetic Turf Fields (Synthetic Turf Fields) will replace nearly six acres of grass turf currently utilized as sports fields at the eastern end of Sportsfield Park with all-weather fields constructed from synthetic grass-like material. The Synthetic Turf Fields will have the capacity to provide two regulation soccer fields (73 yds x 120 yds), but will also provide overlaid sports striping for four youth soccer fields (50 yds x 73 yds). In addition, the project will improve over 35,000 square feet of pedestrian pathways

surrounding the Synthetic Turf Fields. The pathways are used for both active and passive recreation and serve as an important pedestrian connection within Sportsfield Park. New picnic tables and waste receptacles made with recycled material and purchased with Measure D funds will be installed along the new pedestrian pathways. Measure D was approved by voters in Alameda County in 1990 and makes funds available to cities for the purchase of items that promote recycling or are made with recycled content.

Newark Skate Park at Sportsfield Park

The Newark Skate Park at Sportsfield Park (Skate Park) will be an approximately 12,000 square-foot skate park at the northeastern corner of Sportsfield Park on Mowry Avenue next to Fire Station No. 27. The Skate Park will provide both elevated and depressed skate features, seating and viewing areas, and shade structures.

Bid Results

Project bids were opened on April 2, 2019. The City received a total of three bids as follows:

	O.C. Jones & Sons	Suarez & Munoz Construction	GoodLand Landscape Construction	Engineer's Estimate
BASE BID	\$4,610,080.60	\$4,863,133.00	\$5,000,000.00	\$5,043,386.73
Alternate Bid No. 1	\$87,9513.00	71,753.00	\$136,814.00	\$84,959.00
Alternate Bid No. 2	\$41,682.50	\$44,681.00	\$37,587.50	\$17,260.00
Alternate Bid No. 3	\$858,000.00	\$730,000.00	\$975,100.00	\$1,097,280.00
Alternate Bid No. 4	\$30,684.00	\$37,515.00	\$40,796.00	\$46,686.00
Alternate Bid No. 4A	\$16,801.00	\$9,871.00	\$14,936.00	Combined with Alternate Bid No. 4
Alternate Bid No. 5	\$20,085.00	\$7,714.00	\$35,978.00	\$10,844.00
Alternate Bid No. 6	\$27,000.00	\$28,000.00	\$30,156.00	\$15,000.00
Alternate Bid No. 7	\$170,000.00	\$170,000.00	\$300,580.00	\$310,000.00

As stated in the Project Specifications, determination of the low monetary bidder was based on the Total Base Bid only without considering any alternate bid totals. The low monetary bidder, O.C. Jones & Sons provided a responsive bid, is experienced in this type of project and is a responsible contractor.

Additive Alternate Bids

The project included the following eight Additive Alternate Bid Items:

Additive Alternate Bid No. 1 – Installation of twenty-five-foot-tall protective netting behind full size soccer field goals to prevent balls from leaving the field area.

Additive Alternate Bid No. 2 – Installation of sod in lieu of seeded turf to replace areas of existing grass removed during construction. Seeded turf would require approximately two to three months to germinate while the use of sod would provide instant benefit.

Additive Alternate Bid No. 3 – Installation of sports field lighting at the Synthetic Turf Fields.

Additive Alternate Bid No. 4 – Addition of black vinyl and powder coating to all chain link fencing.

Additive Alternate Bid No. 4A – Addition of black vinyl coating to one-inch chain link mesh should Additive Alternate Bid Nos. 4 and 5 also be awarded.

Additive Alternate Bid No. 5 – Use of one-inch chain link mesh in lieu of standard two-inch mesh in back of full size soccer field goals and at all practice backstops to provide a product more resilient to repetitive impact.

Additive Alternate Bid No. 6 – Purchase of four soccer goals and related equipment.

Additive Alternate Bid No. 7 – Installation of lighting at the Skate Park.

Based on the bids submitted by O.C. Jones & Sons, staff recommends that the City Council add Additive Alternate Bid Items Nos. 1, 2, 3, 4, 4A, 5 and 7 to the construction contract. The addition of lighting at the Synthetic Turf Fields and Skate Park (Additive Alternate Bid Items Nos. 3 and 7, respectively) would allow both facilities to remain open and available to the public past dusk. Staff anticipates establishing operating hours between dawn and 10:00 pm at both facilities with the addition of lighting.

As detailed below, there are sufficient funds budgeted for this project to include the recommended Additive Alternate Bid Items. After review of the bid submitted by O.C. Jones & Sons for Additive Alternate Bid No. 6 (soccer goals and related equipment), staff does not recommend adding this item to the construction contract. Instead, staff recommends purchasing the soccer goals and equipment through a separate competitive bid process, which would likely be more economical.

Project Costs

The 2018-2020 Biennial Budget and Capital Improvement Plan includes \$5,932,000 of Park Improvement Funds in Fiscal Year 2018-2019 for construction of the Synthetic Turf Fields and Skate Park. The addition of Additive Alternate Bid Items Nos. 1, 2, 3, 4, 4A, 5 and 7 to O.C. Jones & Sons' Base Bid of \$4,610,080.60 would bring the total construction contract amount to \$5,835,284.10.

Staff recommends including an additional \$294,715.90 in construction contingency, equivalent to approximately five percent of the contract amount, to account for material testing, special inspection services, compliance with clean water monitoring and reporting requirements, and other unanticipated construction costs. The added contingency would bring the recommended allocation for the project to \$6,130,000.00.

There is currently \$5,767,478.00 of Park Improvement Funds available. Therefore, a budget amendment would be necessary to appropriate \$362,522.00 in additional funds for Fiscal Year 2018-2019 to provide total project funding of \$6,130,000.00. Staff recommends that Capital Improvement Fund Reserves be utilized.

Attachments – Resolution; Public Works Contract Agreement

Action - Staff recommends that the City Council, by motion, approve the plans and specifications and, by resolution, accept the bid and award the contract for the Base Bid and Additive Alternate Bid Nos. 1, 2, 3, 4, 4A, 5, and 7 to O.C. Jones & Sons, Inc. for Sportsfield Park Synthetic Turf Fields and Newark Skate Park at Sportsfield Park, Project Nos. 1192 and 1193 and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018-2019.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

(MOTION)

M. CLOSED SESSION

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

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.