

# 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, July 11, 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*  
  
*Michael Carroll*  
*Police Chief*  
  
*Soren Fajeau*  
*Public Works Director*  
  
*David Zehnder*  
*Recreation and Community*  
*Services Director*  
  
*Sandy Abe*  
*Human Resources Director*  
  
*Kristopher J. Kokotaylo*  
*Interim City Attorney*  
  
*Krysten Lee*  
*Finance Manager*  
  
*Arturo Interiano*  
*Acting Community Dev. Dir.*  
  
*Sheila Harrington*  
*City Clerk*

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

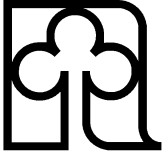
- |  |                                |
|--|--------------------------------|
| <b>A. ROLL CALL</b>                        | <b>I. COUNCIL MATTERS</b>      |
| <b>B. MINUTES</b>                          | <b>J. SUCCESSOR AGENCY</b>     |
| <b>C. PRESENTATIONS AND PROCLAMATIONS</b>  | <b>TO REDEVELOPMENT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

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, July 11, 2019

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the City Council meetings of June 20 and June 27, 2019. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

**C.1 Introduction of employees.**

**Background/Discussion** – Community Engagement Manager Jada Chiu and Community Service Officer Terence Lau recently joined the Police Department. They will be introduced at the City Council meeting.

**C.2 Commending Dispatcher of the Year Dawn Paige. (COMMENDATION)**

**Background/Discussion** – Dawn Paige has been named Dispatcher of the Year. A Commendation will be presented to her at the City Council meeting.

**C.3 Commending the Saint Edward School Science Fair Team. (COMMENDATION)**

**Background/Discussion** – The Saint Edward School Science Fair team received the Director's Award for Most Innovative Alternative Energy Project at the California Science and Engineering Fair. Team Members Catalina Interiano and Johanna Perez, and their Science Teacher Yvette Cardenas have been invited to the City Council meeting to accept a commendation for their achievement.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORTS**

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

**CONSENT****F.1 Authorization for the Interim City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda - from Finance Manager Lee and Interim City Attorney Kokotaylo. (RESOLUTION)**

**Background/Discussion** – The City currently has an agreement with Alameda County which authorizes the collection of various taxes, assessments, and fees on the secured property tax roll. Since the passage of Proposition 218 in 1996, the County has required that each agency or district sign an annual statement certifying that each assessment, fee, and/or special tax placed on the tax rolls meets the requirements of Proposition 218.

Staff has reviewed each of the City’s taxes, assessments, and fees to ensure compliance with the proposition. It is the opinion of the City Attorney that the City’s taxes, assessments, and fees are in compliance with Proposition 218 requirements and the City is able to sign the certification.

**Attachment** – Resolution, Agreement

**Action** - It is recommended that the City Council, by resolution, authorize the Interim City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda.

**F.2 Approval of Lease and Maintenance Agreements with KBA Docusys for citywide Multifunction Copier/Scanner/Printers – from Information Systems Manager Kezar. (RESOLUTION)**

**Background/Discussion** – The existing lease for the citywide multifunction copiers/scanners/printers expires on July 24, 2019. In accordance with best practices and in order to secure competitive pricing, the City issued a Request For Proposals (“RFP”) for new machines on April 17, 2019. The City received three timely proposals.

The proposals were evaluated by a team of City staff with consideration for cost, overall image quality, print quality and speed, the comprehensiveness of services provided, the completeness of proposals, and other factors identified in the RFP. Proposals were received from the following vendors:

Vendor	Cost per month 36 month lease	Cost per black and white copy	Cost per color copy
<b>KBA Docusys</b>	\$2,379.00	0.0039	0.039
<b>Swenson Group</b>	\$3,335.63	0.00428	0.0428
<b>Ray Morgan Group</b>	\$2,662.35	0.004	0.0395

After evaluating the proposals, in accordance with the specified criteria in the RFP, City staff concluded that the vendor who best meets the needs of the City is KBA Docusys. KBA Docusys is the lowest cost per month and the lowest cost per black/white and color copies. KBA Docusys’ monthly cost will be \$274 less than the City’s existing contractor resulting in a cost savings of almost \$10,000 over the three year term. KBA Docuys is well-regarded as an industry leader in this field and regularly ranks among the top performers for print quality, speed, and excellent service.

The proposed agreement is for a three year term. The resolution would authorize the City Manager to execute the agreement with the option to extend the agreement annually for up to four years.

**Attachments** – Resolution, Agreements

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to execute Lease and Maintenance Agreements with KBA Docusys for Citywide Multifunction Copier/Scanner/Printers.

**F.3 Authorizing the Mayor to execute a Contractual Equipment and Services Agreement with Ross Recreation Equipment Co., Inc. for the purchase of Recycled Plastic Content Picnic Tables, Benches and Trash Containers for Mel Nunes Sportsfield Park and NewBark Dog Park, and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Recreation and Community Services Director Zehnder and Senior Administrative Analyst Khuu-Seeman. (RESOLUTION)**

**Background/Discussion** – Construction is well underway for the Mel Nunes Sportsfield Park Synthetic Turf Fields, Project 1192 and construction is about to commence for the NewBark Dog Park, Project 1208, at Newark Community Park. In evaluating the needs for various outdoor furniture items associated with both of these projects, staff determined that direct purchase of this equipment would provide the best overall value to the City. Additionally, in order to select products that are consistent with the City’s efforts to improve sustainability of its infrastructure and to best utilize all available funding resources, it was further determined that these outdoor furniture items should be manufactured from recycled content to the extent possible. To that end, the Recreation and Community Services Department released a Request for Proposals (RFP) in May 2019 for the purchase of various picnic tables, benches, and

trash/recycling containers made of recycled plastic content. Bid proposals pursuant to the RFP were due by June 24, 2019 with the following results:

<u>Bid Proposer</u>	<u>Cost</u>
Ross Recreation Equipment Co., Inc.	\$66,475.04

Although only one bid was received, the proposed pricing is consistent with anticipated costs for this equipment and staff has determined that the proposer is capable of providing the desired services. Under the scope of services proposed, the identified equipment would be delivered to the Newark Service Center for future installation. Staff is recommending that the City enter into a Contractual Equipment and Services Agreement with Ross Recreation Equipment Co., Inc. for the proposed cost.

The proposed use of equipment made of recycled content enables the City to utilize available Measure D funding for the entire purchase. Measure D funds are the result of a surcharge on solid waste disposed of at landfills. Disbursements are based on population and are for the purpose of continuation and expansion of municipal recycling programs. The City of Newark receives approximately \$150,000 in Measure D funds annually. In addition to the ongoing annual disbursement, Newark had also accrued a significant fund balance, which exceeded the threshold for unspent funds. Due to the amount of unspent funds, the Alameda County Waste Management Authority (StopWaste) required an approved expenditure plan in order for Newark to continue to receive Measure D funds.

In December 2018, both the Newark City Council and the StopWaste Recycling Board approved the Measure D Expenditure Plan for fiscal years 2018-2020. The two-year expenditure plan brought the fund balance below the unspent threshold, leaving approximately \$230,000 of fund balance. Included in the expenditure plan was an estimate of \$60,000 budgeted to Skate Park, Artificial Turf Fields, and Dog Park recycled content furniture for fiscal year 2018-2019. As noted, the bid for the purchase of recycled content furniture came in at \$66,475.04.

Additionally, after the Measure D expenditure plan was approved, staff discovered that recycled content dog agility equipment is also an eligible use of Measure D funds. A bid was also recently received for dog agility equipment in the amount of \$10,999.15. Under the City's Purchasing Rules and Regulations, this amount does not meet the threshold for required City Council approval. However, staff requests that the City Council appropriate an additional \$10,999.15 for fiscal year 2019-2020 from the Measure D fund balance to be used for purchase of recycled content dog agility equipment for NewBark Dog Park.

There are two adjustments needed to the Measure D expenditure plan: 1) The budget needs to be adjusted from \$60,000 to \$77,474.19 (\$66,475.04 + \$10,999.15); and 2) The expenditures will occur at the beginning of fiscal year 2019-2020 and not at the

end of fiscal year 2018-2019. Therefore, staff recommends appropriating \$77,474.19 from Measure D funds for fiscal year 2019-2010.

**Attachments** – Resolution, Contractual Equipment and Services Agreement

**Action** – Staff recommends that the City Council, by resolution, authorize the Mayor to execute a Contractual Equipment and Services Agreement with Ross Recreation Equipment Co., Inc. for the purchase of Recycled Plastic Content Picnic Tables, Benches and Trash Containers for Mel Nunes Sportsfield Park and NewBark Dog Park, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

**F.4 Authorizing the City Manager to execute a Contractual Services Agreement with 3QC, Inc. to provide commissioning services for the New Civic Center, Project 1188 and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**Background/Discussion** – The New Civic Center, Project 1188, is subject to all applicable California Building Code (CBC) requirements, including minimum energy efficiency standards. As required by the CBC and the Leadership in Energy and Environmental Design (LEED) certification process, the City must engage a commissioning agent to review, inspect, and certify the proper installation and functioning of mechanical equipment and various materials used in the building structures for compliance with applicable energy efficiency standards. The City issued a Request for Proposals for commissioning services in May 2019 and received a total of three responses. The submitted responses were required to include a not to exceed cost for all required services. The three proposers and respective proposed not to exceed costs through the RFP were:

<u>Proposer</u>	<u>Not to Exceed Cost</u>
3QC, Inc.	\$62,075.00
Capital Engineering Consultants, Inc.	\$68,398.00
Orry Nottingham, P.E., CAP, Inc.	\$129,600.00

Two of the proposers, 3QC, Inc. and Capital Engineering Consultants, Inc., meet all the qualifications and have adequate personnel to perform the work. The third proposer, Orry Nottingham, P.E., CAP, Inc. appears to meet the minimum qualifications, but in City staff’s opinion, does not have all of the staffing resources necessary to provide adequate support. The proposer with the best price capable of performing the necessary services is 3QC, Inc. It is recommended that 3QC, Inc. be selected as the consultant to provide commissioning services for the New Civic Center project.

It is recommended that Capital Improvement Fund Reserves be utilized to fund the proposed agreement with a \$62,075 adjustment to the Project 1188 budget for fiscal year 2019-2020.

**Attachments** – Resolution, Contractual Services Agreement

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement with 3QC, Inc. to provide commissioning services for the New Civic Center, Project 1188, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

**F.5 Authorizing the City Manager to execute a Contractual Services Agreement with Geocon Consultants, Inc. to provide additional geotechnical services for the New Civic Center, Project 1188 and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**Background/Discussion** – The City previously entered into a Contractual Services Agreement with Geocon Consultants, Inc. to provide a geotechnical investigation and report for the Civic Center site in advance of the preliminary design phase of the New Civic Center, Project 1188. It is now necessary to expand the scope of geotechnical services to include peer review of the design development and construction document packages provided by the Design Build Entity, and ongoing inspection, testing, document review, and other support services for the construction phase of the project.

A Request for Proposals (RFP) was issued in May 2019 for these additional geotechnical services and Geocon Consultants, Inc. responded with an acceptable proposal and pricing for services that is consistent with other local geotechnical engineering firms. Geocon Consultants, Inc. would provide ongoing geotechnical services as noted above for the New Civic Center project as directed by the Project Manager and in coordination with the City's construction management firm. Geocon Consultants, Inc. would perform their work on a time and materials basis with a not to exceed total cost of \$105,790.

It is recommended that Capital Improvement Fund Reserves be utilized to fund the proposed agreement with a \$105,790 adjustment to the Project 1188 budget for fiscal year 2019-2020.

**Attachments** – Resolution, Contractual Services Agreement

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement with Geocon Consultants, Inc. to provide additional geotechnical services for the New Civic Center, Project 1188, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

**F.6 Authorization for the Mayor to execute an agreement with the County of Alameda for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program for fiscal year 2019-2020 – from Senior Planner Mangalam. (RESOLUTION)**

**Background/Discussion** – Newark receives Community Development Block Grant (CDBG) funds as part of the Alameda County Urban County. These are federal funds provided through United States Department of Housing and Urban Development (HUD) to jurisdictions with populations of 50,000 or more. In order to qualify for funds, Newark and the cities of Albany, Dublin, Emeryville and Piedmont, along with the unincorporated portion of Alameda County have banded together with the unincorporated portions of the county to form an entity (the Urban County) that is large enough to qualify for funds. The Urban County receives certain amount of money each year that is determined by Congress’s allocation to the CDBG program and a federal formula for dividing the overall funding between qualifying communities. The total funds received by the Urban County are then allocated between member jurisdictions using a formula that considers overall population, poverty levels and other factors. The City will receive \$276,945.46 for FY 2019-2020.

CDBG funds are distributed among the following categories of uses:

<i>Fund Category</i>	<i>Amount</i>
Jurisdiction Improvement Funds	\$221,490.46
Housing Rehabilitation	\$ 47,655.00
General Administration	\$ 7,800.00

Jurisdiction Improvement Funds - HUD requires that the funds be used for projects that benefit primarily low and moderate-income households, senior citizens, or disabled citizens. The City must provide proof of this both when applying for and after completing a project. Newark has a policy that CDBG funds should be used for capital improvement projects rather than service projects. Capital improvement projects provide infrastructure with long-term benefits to residents and Newark receives a relatively small amount of CDBG funds, therefore spending these funds on capital projects helps to maximize their benefit.

In FY18-19, the funds were used to address ADA compliance needs at City-owned parks, Bridgepointe Park and Sports Field Park. Improvements included ADA parking accessibility, pathway, sidewalk repairs, curb ramp installations and upgrades, and other exterior surface improvements. Since the scope of project is large, the City would use the funds for FY19-20 in the same manner.

Housing Rehabilitation – This program funds minor home repairs such as replacing water heaters. Financing for these improvements is provided to lower-income homeowners in a combination of loans and grants, depending on the clients’ ability to make repayments. As loans are repaid, these funds are used to fund additional projects in Newark.



In the FY18-19, 22 minor home repairs were completed using these funds. For FY19-20, two homes are already scheduled and one home is on the waiting list for the use of these funds.

General Administration – The funds are used for necessary administrative expenses. The City expects to use all of its administration fund allocation in FY19-20.

The County oversees Newark’s use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between the County of Alameda and HUD, and one between the City and the County of Alameda (attached). By approving this resolution, the City Council would authorize the Mayor to execute the agreement between the City of Newark and the County of Alameda, thereby continuing the City’s participation in the CDBG program.

**Attachments** – Resolution, agreement

**Action** - It is recommended that the City Council, by resolution, authorize the Mayor to execute an agreement with the County of Alameda for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program for fiscal year 2019-2020.

## NONCONSENT

- F.7 Approval and adoption of: 1) the Memorandum of Understanding with the Newark Association of Miscellaneous Employees; 2) the Memorandum of Understanding with the Newark Police Association; 3) the Memorandum of Understanding with the Newark Police Management Association; 4) the Compensation and Benefit Plan for the Confidential Employee Group; and 5) the Compensation and Benefit Plan for the City Officials, Management, Supervisory, and Professional Employee Group – from City Manager Benoun, Acting Human Resources Director Que-Garcia and Interim City Attorney Kokotaylo. (RESOLUTIONS-5)**

**Background/Discussion** – The current memorandums of understanding with the Newark Association of Miscellaneous Employees (“NAME”) and the Newark Police Association (“NPA”) expired on June 30, 2019. Additionally, the City formally recognized the Newark Police Management Association (“NPMA”) as the only employee organization entitled to meet and confer in good faith on matters within scope of representation for employees within the NPMA on June 20, 2019. City representatives met and conferred in good faith with the representatives of NAME, NPA, and NPMA and have reached tentative agreements as further outlined below.

Additionally, staff recommends compensation and benefit plans for the City Officials and the Management, Supervisory, and Professional Employee Group (“Management

Employee Group”) and the Confidential Employee Group as further outlined below. The existing plans also expired on June 30, 2019.

**NAME MOU:**

The City and NAME have been negotiating a successor to the Memorandum of Understanding (“MOU”) for the past few months. The City and NAME previously amended the MOU pursuant to a side letter executed in November 2017. The proposed MOU with NAME spans three years from July 1, 2019 through June 30, 2022. The members of NAME ratified the new terms described below on July 1, 2019.

The MOU includes the following new significant provisions:

**General Salary Increase and Other Compensation:**

- A one and one-half percent (1.5%) general salary increase on July 1, 2019, July 1, 2020, and July 1, 2021 for a cumulative four and one-half percent (4.5%) general salary increase over the term of the MOU. If by January 1, 2021, the City’s revenues for Fiscal Year 21/22 are projected to be at least \$1,250,000 less than actual revenues for Fiscal Year 20/21, at the request of the City, the parties agree to re-open negotiations regarding the one and one half percent (1.5%) salary increase scheduled for July 1, 2021.
- A one-time off-salary-schedule lump sum payment of \$1,000, pro-rated for part-time employees.
- An increase in bilingual assignment pay to \$100 per month for full-time employees, \$75 per month for regular part-time employees scheduled to work 30-35 hours per week and \$50 per month for regular part-time employees scheduled to work 20-25 hours per week

**Cafeteria Plan for Medical, Dental and Vision Insurance:**

- An increase to the City’s contributions to each eligible NAME employee’s cafeteria plan for use towards medical, dental and vision insurance an amount equal to the following:

Effective for the 2020 plan year:

- Employee Only: \$844
- Employee + 1 Dependent: \$1,687
- Employee + 2 or more Dependents: \$2,228

Effective for the 2021 plan year:

- Employee Only: \$861
- Employee + 1 Dependent: \$1,721
- Employee + 2 or more Dependents: \$2,273

Effective for the 2022 plan year:.

- Employee Only: \$878
- Employee + 1 Dependent: \$1,755
- Employee + 2 or more Dependents: \$2,318

Other Miscellaneous Revisions:

- Revisions to overtime pay to establish a minimum three (3) hours of work at the overtime rate for employees notified less than twenty-four (24) hours in advance to return to work between 6:00 a.m. and 11:59 p.m. and to establish a minimum of four (4) hours of work at the overtime rate for employees notified less than twenty-four (24) hours in advance to return to work on overtime between 12:00 a.m. and 5:59 a.m., holidays, or scheduled days off.
- An increase in the boot and jacket annual allowance for certain specified positions from \$250 to \$350.
- An increase in the maximum amount of compensatory time for overtime work from sixty (60) hours to eighty (80) hours and a concurrent increase in the amount of compensatory time cash-out accrual from sixty (60) hours to eighty (80) hours.
- A revision to the wellness program to allow employees and their spouses or registered domestic partners and up to 2 children or grandchildren living in the same household, 26 years of age and under, to use the gym, exercise equipment and aquatic facilities (excluding classes and facility rentals) at the Silliman Community Activity and Family Aquatic Center free of charge and receive resident rates for class registration and facility rentals.
- Other non-substantive, clean-up revisions that largely match the parties' existing practice.

NPA MOU:

The City and NPA have been negotiating a successor to the MOU for approximately 6 months. The proposed MOU with NPA spans three years from July 1, 2019 through June 30, 2022. The members of NPA ratified the new terms described below on June 25, 2019.

The MOU includes the following new significant provisions:

General Salary Increase and Other Compensation:

- NPA employees will receive the same general salary increase provided to NAME employees. The MOU also provides that if, by January 1, 2021, the City's revenues for Fiscal Year 21/22 are projected to be at least \$1,250,000 less than actual revenues for Fiscal Year 20/21, at the request of the City, the parties agree to re-open negotiations regarding the one and one half percent (1.5%) salary increase scheduled for July 1, 2021.
- NPA employees will receive the same bilingual pay increases provided to NAME employees.
- An increase in certificate incentive pay for sworn personnel that receive a California P.O.S.T. intermediate or advanced certificate at the following amounts:

Effective July 1, 2019:

- P.O.S.T. Intermediate Certificate \$460 per month
- P.O.S.T. Advanced Certificate \$650 per month

Effective July 1, 2020:

- P.O.S.T. Intermediate Certificate \$480 per month
- P.O.S.T. Advanced Certificate \$685 per month

Effective July 1, 2021:

- P.O.S.T. Intermediate Certificate \$500 per month
- P.O.S.T. Advanced Certificate \$725 per month

- An increase in certificate incentive pay for dispatch personnel that receive a California P.O.S.T. intermediate or advanced certificate at the following amounts:

Effective July 1, 2019:

- P.O.S.T. Intermediate Certificate \$120.00 per month
- P.O.S.T. Advanced Certificate \$200.00 per month

Effective July 1, 2020:

- P.O.S.T. Intermediate Certificate \$160.00 per month
- P.O.S.T. Advanced Certificate \$250.00 per month

- Effective July 1, 2021:

- P.O.S.T. Intermediate Certificate \$200.00 per month
- P.O.S.T. Advanced Certificate \$300.00 per month

- An increase in special assignment pay for police officers and sergeants assigned to specified positions from \$400 per month to \$425 per month.
- The addition of a provision related to longevity pay for police officers and sergeants of a 5% salary increase at 15 years of service and a 7.5% salary increase at 20 years of service. The prior MOU provided for a 2.5% salary increase at 10 years of service (which remains) and a 5% salary increase at 20 years of service.

Cafeteria Plan for Medical, Dental and Vision Insurance:

- The NPA MOU provides for the same increase to NPA employees as provided to each eligible NAME employee's cafeteria plan for use towards medical, dental and vision insurance.

Other Miscellaneous Revisions:

- An increase in accumulation amount of compensatory time off for school resource officers from 280 hours to 320 hours.
- Revisions to the uniform allowance for public safety dispatchers, lead public safety dispatchers, public safety clerks, and police records supervisor.
- Other non-substantive clean-up revisions that largely match the parties' existing practice.

**NPMA MOU:**

As the NPMA is a new bargaining group formally recognized on June 20, 2019, the proposed MOU is the first MOU between the City and the NPMA. The proposed MOU largely matches the existing practice over the years for employees that received benefits pursuant to the Compensation and Benefit Plan for the Management Employee Group. Below are significant provisions in the NPMA MOU. The members of NPMA ratified the MOU on July 2, 2019.

**General Salary Increase and Other Compensation:**

- NPMA employees will receive the same general salary increase provided to NAME employees. The MOU also provides that if, by January 1, 2021, the City's revenues for Fiscal Year 21/22 are projected to be at least \$1,250,000 less than actual revenues for Fiscal Year 20/21, at the request of the City, the parties agree to re-open negotiations regarding the one and one half percent (1.5%) salary increase scheduled for July 1, 2021.
- NPMA employees will receive the same bilingual pay increases provided to NAME employees.
- An increase in salary range for the Captain position (from the prior Management Employee Group Plan) to ensure that the compensation for that position is equitable in comparison to the City's comparable cities and to avoid compaction with the Lieutenant position.

**Cafeteria Plan for Medical, Dental and Vision Insurance:**

- The NPMA MOU provides for the same benefits to NPMA employees as provided to each eligible NAME employee's cafeteria plan for use towards medical, dental and vision insurance.

**Other Miscellaneous Provisions:**

- Uniform allowance of \$100 per month.

**City Officials and the Management, Supervisory, and Professional Employee Group:**

The City Council adopted the current Compensation and Benefit Plan ("Plan") for the Management Employee Group in 2017. The term of the current Plan ended on June 30, 2019. The proposed Plan with the Management Employee Group spans three years from July 1, 2019 through June 30, 2022.

The Plan includes the following new significant provisions:

**General Salary Increase and Other Compensation:**

- Management Employee Group employees will receive the same general salary increase provided to NAME employees.
- Management Employee Group employees will receive the same bilingual pay increases provided to NAME employees.

- An increase in salary range for the City Clerk position to ensure that the compensation for that position is equitable in comparison to the City's comparable cities.

Cafeteria Plan for Medical, Dental and Vision Insurance:

- The Plan provides for the same increase as provided to each eligible NAME employee's cafeteria plan for use towards medical, dental and vision insurance.

Other Miscellaneous Revisions:

- The same revisions to the wellness program related to employee spouses or registered domestic partners and children or grandchildren as provided in the NAME MOU.
- Other non-substantive, clean-up revisions that largely match existing practice.

It should be noted that the City Manager's existing contract provides that the City Manager shall receive any general salary increases or adjustments to benefits conferred to members of the City's Executive Management Team under any successor Plan.

**Confidential Employee Group:**

The City Council adopted the current Plan for the Confidential Employee Group in 2017. The term of the current Plan ended on June 30, 2019. The proposed Plan with the Confidential Employee Group spans three years from July 1, 2019 through June 30, 2022 and has nearly identical revisions from the previous Plan as those identified in the Plan for the Management Employee Group.

**Summary** – The proposed MOUs and Plans provide for a marked increase in medical, dental and vision benefits and modest general salary increases. In conducting salary and benefit surveys with the City's benchmark classification cities of Fremont, Foster City, Hayward, Livermore, Menlo Park, Milpitas, Pleasanton, Redwood City, San Leandro, and Union City, the results revealed that base salary compensation was on the higher end for most classifications while the medical, dental and vision benefits were by far the lowest of the benchmark classification cities. The proposed MOUs and Plans attempt to bring the City in line with the benchmark classification cities.

The proposed resolutions approve the various MOUs and Plans, authorize the City Manager or designee to execute on behalf of the City, and authorize any amendments to the City's Salary Schedule to reflect the revisions in compensation provided pursuant to the MOUs or the Plans.

**Attachments** – Resolutions, Agreements

**Action** - Staff recommends that the City Council adopt resolutions approving and adopting: 1) the Memorandum of Understanding with the Newark Association of Miscellaneous Employees; 2) the Memorandum of Understanding with the Newark Police Association; 3) the Memorandum of Understanding with the Newark Police

Management Association; 4) the Compensation and Benefit Plan for the Confidential Employee Group; and 5) the Compensation and Benefit Plan for the City Officials, Management, Supervisory, and Professional Employee Group.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

**I.1 Appointment to the Planning Commission – from Mayor Nagy. (RESOLUTION)**

**Background/Discussion** – On May 23, 2019, the City Council declared a vacancy on the Planning Commission due to the death of Bernie Nillo. The City Clerk was authorized to post a notice of vacancy. By the published deadline, eligible applications were received from Olga Borjon, John Becker, and Matthew Jorgens.

All applicants have been interviewed and the successful candidate will be announced at the City Council meeting. The appointment will be for the unexpired term of Mr. Nillo's Planning Commission seat, December 31, 2021.

**Attachment** - Resolution

**Action** - It is recommended that the City Council, by resolution, approve the appointment of \_\_\_\_\_ to the Planning Commission for a term to expire on December 31, 2021.

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**(MOTION)**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 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.