

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 12, 2020

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager

Michael Carroll
Interim Police Chief

Soren Fajeau
Public Works Director

David Zehnder
Recreation and Community
Services Director

Helen Que-Garcia
Acting Human Resources Dir.

Kristopher J. Kokotaylo
Interim City Attorney

Krysten Lee
Finance Manager

Steven M. Turner
Community Development 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:

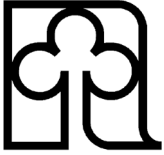
- | | |
|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER 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, March 12, 2020

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council special and regular meetings of, February 13, 2020. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming March as March for Meals Month. (PROCLAMATION)**

Background/Discussion – On March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors. These critical programs, commonly referred to as Meals on Wheels, deliver nutritious meals to homebound seniors and provide a vital lifeline and connection to the community.

Meals on Wheels programs come together each March to celebrate the collaboration of local community organizations, businesses, all levels of government and compassionate individuals to ensure that our seniors are not forgotten.

A proclamation proclaiming March as March for Meals Month has been prepared. A member of the Meals on Wheels Alameda County will accept it at the City Council meeting.

- C.2 Proclaiming March as American Red Cross Month. (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.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Approval of the recommendation from the Community Development Advisory Committee for allocation of Community Development Block Grant Jurisdiction Improvement Project funds for fiscal year 2020-2021 – from Senior Planner Mangalam. (MOTION)**

Background/Discussion – Newark receives Community Development Block Grant (CDBG) funds as part of the Alameda County Urban County. These are federal funds provided through the United States Department of Housing and Urban Development (HUD) to jurisdictions with population 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 areas of Alameda County have formed an entity called the Urban County that is large enough to qualify for funds. The Urban County receives certain funding each year that is determined by Congress' 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 similar factors.

CDBG funds are distributed among the following categories of uses:

- **Jurisdiction Improvements** - 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. Because capital improvement projects provide infrastructure with long-term benefits to residents and Newark receives a relatively small amount of CDBG funds, spending these funds on capital projects helps to maximize their benefit.
- **General Administration** – As the name suggests, the funds are used for necessary administrative expenses.
- **Minor Home Repairs** – This program funds minor home repairs such as minor plumbing, carpentry, electrical repairs and can be used for railings, grab bars, toilets, water heaters, doors, locks, and more. The Alameda County Healthy Homes Department administers this program and assists low-income home owners with grants and contractors.

Based on the City's total CDBG allocation and the maximum percentages allowed per activity, the City's allotment of CDBG funds for fiscal year 2020-2021 in these three categories are as follows: General Administration (\$7,800), Minor Home Repairs (\$50,496) and Jurisdiction Improvement Projects (\$146,335). In order to meet the deadlines for approval by the U.S. Department of Housing and Urban Development (HUD), the City Council must accept a recommendation from the Community Development Advisory Committee (CDAC) to allocate the anticipated Jurisdiction Improvement Funds. The CDAC is the recommending committee for the CDBG Program and assists with evaluation and assessment of proposed and implemented programs to meet community needs at citywide level. The CDAC assists in the development of realistic goals and objectives to meet identified needs. The CDAC also assists in the implementation of the CDBG program and reviews any program modifications as determined by community assessments and/or HUD program requirements. Thus, CDAC makes recommendations for the use of Jurisdiction Improvement Project Funds to the City Council.

Recommendations for use of 2020-2021 Jurisdiction Improvement Project Funds

The CDAC met on January 30, 2020 to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement funds for fiscal year 2020-2021. At the time of the CDAC meeting, the exact amount of funding had not been determined. Staff used an estimate of \$138,103 to develop the funding recommendations for the CDAC's consideration. The CDAC voted unanimously to recommend that the City Council allocate \$138,103 in anticipated Jurisdiction Improvement Project funds to the Citywide ADA Compliance Improvements. Staff received the final allocation amount for CDBG funds on February 18, 2020 from HUD. The City Council is being asked to consider approval of the updated funding in the amount of \$146,335 for the Jurisdiction Improvement Project.

The Jurisdiction Improvement Project would address ADA compliance needs at City-owned parks, facilities, and parking lots as identified in the City's Disabled Access Transition Plan. The scope of work would include ADA parking accessibility, repairing and resurfacing pathway and sidewalk to remove tripping hazards, curb ramp installations and upgrades, and other exterior surface improvements to make connections more accessible. These improvements would provide accessibility benefits for the entire community.

Attachment – City of Newark's ADA Transition Plan

Action - Staff recommends that the City Council, by motion, accept the recommendation from the CDAC to approve the allocation of anticipated CDBG Jurisdiction Improvements \$146,335 funds for fiscal year 2020-2021 to the Citywide ADA Compliance Improvements.

- F.2 Authorizing the City Manager to execute a Contractual Services Agreement with Coro Medical, LLC to provide new Automated External Defibrillator (AED) units and ongoing Public AED Program Services and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Public Works Director Fajeau. (RESOLUTION)**

Background/Discussion – The City of Newark provides a Public Automated External Defibrillator (AED) Program and maintains AED units in various public buildings and Police Department vehicles for emergency use. AED units can be utilized, under the appropriate circumstances, to deliver a controlled electrical shock to a heart attack victim in order to restore a correct cardiac rhythm. Many of the existing AED units owned by the City, while still functional, are due for replacement. The City recently solicited written proposals from qualified firms in the form of a Request for Proposals (RFP) for the procurement of thirty (30) new AED units, eight (8) new training units, and ongoing program management services to help track the maintenance and use of the City’s full AED inventory for a five-year term.

The City received a total of six responses following the Request for Proposals. Based on the scope of services requested, the pricing from each responding firm was as follows (please note that some corrections were made to some line-item quantities and applied taxes to ensure an accurate comparison of costs among the respondents):

| <u>Respondent</u> | <u>Cost</u> |
|---------------------------------|--------------|
| Coro Medical, LLC | \$ 45,360.38 |
| AED Brands | \$ 50,507.58 |
| Rescue Training Institute, Inc. | \$ 53,053.55 |
| DiPietro & Associates, Inc. | \$ 53,536.80 |
| Cardio Partners, Inc. | \$ 57,075.13 |
| Response Life Safety | \$ 63,446.40 |

All responses to the RFP were evaluated by staff based on the following criteria: (1) proposed costs for procurement of the AED devices and related equipment, and completion of other ongoing program management services; (2) responders’ understanding of the City’s needs and general approach to completing the work; (3) responders’ experience with contracts of similar scope, complexity and magnitude; (4) qualifications of the staff being assigned to the contract; and (5) satisfaction of previous clients.

Each of the firms responding to the RFP demonstrated an understanding of the City’s needs and the ability to complete the requested services in a satisfactory manner. Each firm has experience with contracts of this nature and has qualified personnel for all components of the scope of services. Previous clients of each firm were generally satisfied with the respective services provided. Staff’s final recommendation is therefore primarily reliant upon the cost for the required services. Coro Medical, LLC is able to provide the desired services at the lowest proposed cost and satisfied all other criteria under the RFP.

Staff recommends that Coro Medical, LLC be selected to provide for the procurement of the AED units and all associated equipment along with the requested program management services.

The 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 has sufficient funding in the Equipment Replacement Budget for the purchase of the new AED devices and all related equipment, a cost of \$32,760.38. However, a budget amendment in the amount of \$12,600 would be necessary for the purchase of program management services for the ongoing maintenance and use of the City's entire inventory of AED units. Staff further recommends the Capital Improvement Fund Reserves be utilized to fund this portion of the scope of work.

Attachments – Resolution; Contractual Service Agreement

Action – Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement with Coro Medical, LLC to provide new Automated External Defibrillator (AED) units and ongoing Public AED Program Services, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

NONCONSENT

F.3 Overview of the 2020-2022 Capital Improvement Plan – from Assistant City Engineer Imai. (INFORMATIONAL)

Background/Discussion – As part of the 2020-2022 Biennial Budget and Capital Improvement Plan preparation, the Public Works Department is coordinating the development of the Capital Improvement Plan (CIP) budget component. The CIP development process commenced in November with a call for projects to all City departments. Projects have been submitted and reviewed by staff. This informational item is intended to provide a summary of the proposed projects submitted, prioritization criteria for project selection and available funding sources.

The general purpose of the CIP for each Biennial Budget is to identify and prioritize capital improvement projects for potential funding. Projects can include streets, park and building construction as well as specific maintenance projects for existing infrastructure. Feasibility studies and master plans to help identify and quantify future projects are typically included in the CIP. Acquisitions of new equipment that would fall outside of a department's operating budget can also be included. In general, any project as defined above with an expenditure of \$5,000 or more is included in the CIP.

During the 2016-2018 CIP review process, the City Council approved modifications to the City's approach to project selection methodology that have been carried forward since. In addition to ensuring that projects satisfy at least one of the five critical issues from the City's Strategic Plan, projects are now categorized into three priority levels, as follows:

Priority Level 1 (Mandatory): Projects that meet a federal, State, or local legal or regulatory requirement, satisfy a critical risk management issue to ensure public safety, or serve to preserve and protect the City’s existing assets and public infrastructure.

Priority Level 2 (Necessary): Projects that are considered necessary but not mandatory as they would not clearly address a critical legal, safety, or asset-projection need. Projects at this level could be funded by a consensus priority opinion of the City Council for the benefit of the community. This can also include projects that would provide a local match for outside funding sources, provide a definitive service level increase, or would complete the final phase of a multi-phased project. Feasibility studies and master plans are also categorized as Priority Level 2.

Priority Level 3 (Desirable): All other projects that do not satisfy Level 1 or Level 2 criteria.

In terms of funding, staff is currently projecting an unallocated fund balance of approximately \$4,200,000 in the Capital Fund for new projects. These are Capital Funds not associated with an impact fee that can be used for any type of project. Gas Tax funds, which are a combination of local transportation sales tax measures and fees (Measure B, Measure BB, Vehicle Registration Fee), State Highway Users Tax Accounts (HUTA) and the Road Maintenance and Rehabilitation Act (RMRA, “SB-1”) funding, will result in projected annual revenue of approximately \$3,500,000 for the 2020-2021 fiscal year. Gas Tax funding must be used within the public right-of-way for transportation related improvements and maintenance.

A “first cut” review of the proposed CIP projects will be completed by the Executive Team in March. A formal review of the Draft CIP, including recommended project rankings, is scheduled to be presented to the City Council during the April 23 meeting.

Attachment - Presentation

Action – This item is informational only.

- F.4 Approval to add classification of Finance Director by: (1) amending the Employee Classification Plan and the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group; and (2) approving an Amendment to the City’s Salary Schedule in conformance with California Code of Regulations, Title 2, Section 570.5 – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTIONS-2)**

Background/Discussion – City staff recommends adding the classification of Finance Director, a Department Head position, to the City’s employee classification plan to lead the City’s Finance Department and amend the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group (“Compensation and Benefit Plan”) to reflect this position. The Finance Department

ensures that the financial activities of the City are performed, recorded, and presented in compliance with professional and ethical standards.

The City last had a Finance Director approximately 20 years ago. Following that, the City hired an Administrative Services Director, responsible for overseeing Finance, Information Systems and Management Services Departments. The City is currently operating without an Administrative Services Director and is restructuring Department Head responsibilities in order to meet City needs. As a result of significant and substantial projects originating out of the Finance Department, including a City-wide systems upgrade to a new Enterprise Resource Planning platform (Tyler New World), the City requires a dedicated Finance Director.

The Finance Director is a member of the City Manager's Executive Team that would report directly to the City Manager. The Finance Director is responsible for advising on financial matters, conducting complex analytical studies and working on special projects, and developing and managing the City's biennial budget, Five Year Forecast and the CAFR, among other tasks.

Example essential duties of the Finance Director include:

- Plans, organizes, directs, and evaluates the activities of the Finance Department.
- Conducts financial forecasts, manages investments, recommends financing sources, and advises on matters involving the City's financial condition.
- Develops and monitors accounting policies, procedures and guidelines to ensure proper control of the City's finances.
- Develops investment guidelines for City Council approval, and recommends financing alternatives.
- Prepares, analyzes, and monitors the City's biennial budget and provides periodic reports to the City Manager on the financial condition of the City.
- Recommends policy options in the preparation and monitoring of the budget in order to ensure the financial health of the City.
- Develops the City's Five Year Financial Forecast and assists the City Manager in presenting it to the City Council.
- Assists in development of the Capital Improvement Budget.
- Prepares a variety of financial reports and cost studies for management personnel, City Manager, and/or City Council including the Comprehensive Annual Financial Report (CAFR).
- Analyzes proposed new programs or enhancements to existing programs and prepares reports on cost implications and funding alternatives.
- Conducts analytical studies and works on projects related to the activities or the operations of the City.

- Establishes finance, treasury and purchasing policies, procedures and guidelines.
- Coordinates Division activities within the Division, other City staff, and outside agencies.
- Presents oral and written reports to the City Manager, City Council, outside agencies, and community groups on a variety of City administrative matters.
- Keeps City up to date on all facets of financial developments.

The recommended monthly salary range for the Finance Director is \$14,179 to \$20,557 (range 24), which is the same salary range for all of the City's executives. In addition, the Finance Director would be entitled to receive all other benefits contained in the City's Compensation and Benefit Plan that was adopted by the Council on July 11, 2019.

Attachments – Resolutions (2); Class Specification

Action – Staff recommends that the City Council, by resolutions: (1) amend Resolution No. 2505, Employee Classification Plan, to add one new classification entitled Finance Director; and (2) amend Resolution No. 10962, the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group to add the classification, Finance Director.

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

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.