



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org



AGENDA

Thursday, July 27, 2023
7:00 P.M.

A. ROLL CALL

B. PRESENTATIONS

1. Commending the Deaf Plus Adult Community
2. Introduction of employee(s)

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff member, or a member of the public to remove an item for separate discussion and action.

1. Approval of Audited Demands
2. Approval of July 13, 2023, minutes
3. Adopt a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 for solid waste management program specialty contractual services by R3 Consulting Group, Inc.
4. Adopt a resolution authorizing the City Manager to execute Contractual Services Agreements, in a form approved by the City Attorney, with BKF Engineers and NCE for on-call pavement engineering and management services
5. Adopt a resolution approving a Salary Schedule in conformance with California Code of Regulations, Title 2, Section 570.5

6. Adopt a resolution authorizing the City Manager to execute an agreement with Faro Technologies Incorporated for the Focus Premium Three-Dimensional Scanner and amend the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024
7. Adopt a resolution authorizing the acceptance of the State of California grants for Quiet Zone Safety Improvement in the amount of \$2,000,000 and for Broadband Improvements in the amount of \$1,800,000 and amend the 2022-2024 Biennial Budget and Capital Improvement Plan
8. Adopt a resolution (1) adding multiple positions to the Employee Classification Plan; (2) adding and deleting multiple positions from the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (3) approving a Side Letter amending the Memorandum of Understanding between the City of Newark and Newark Association of Miscellaneous Employees; (4) amending the Compensation and Benefit Plan for Management, Supervisory and Professional Employees; (5) approving an amendment to the City's Salary Schedule; and (6) amending the 2022-2024 Biennial Budget and Capital Improvement Plan
9. Adopt a resolution finding that emergency conditions exist that do not permit a delay resulting from a competitive solicitation for bids and authorizing the City Manager to take necessary action to negotiate and award an emergency construction contract and expenditure for the repair of a roadway sinkhole and storm drain on Smith Avenue and amendment of the 2022-2024 Biennial Budget for Fiscal Year 2024; exempt from CEQA review per CEQA Guidelines Section 15301

E. PUBLIC HEARINGS

1. Hearing to consider adoption of a resolution approving Development Impact Fee amendments to the Master Fee Schedule for Fiscal Year 2024
2. Hearing to consider property owners' objections and adopt a resolution confirming the Superintendent of Streets' Report concerning weed abatement assessments

F. OTHER BUSINESS

1. Resolution approving an amendment to the Employment Agreement with City Manager David J. Benoun to serve as City Manager and an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

J. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube or Cable Channel 26. The ability to participate and observe via Zoom, YouTube or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:

Livestream online at YouTube: <https://www.youtube.com/@cityofnewark3077/streams>
Copy/paste the YouTube URL into your browser if the link does not automatically open.

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: Zoom Meeting <https://us06web.zoom.us/j/86193787217>

From a telephone dial 1- 669-900-9128, Webinar ID Number 861 9378 7217

Provide live, remote public comments, when the Mayor calls for comments. Use the raise your hand feature in Zoom to be called upon by the City Clerk.

For frequently asked Zoom questions, please go to [Agendas and Minutes](#) and select the Frequently Asked Questions link.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:

The agenda packet is available for review at [Agendas and Minutes](#). The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

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 will be posted at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. 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 who require special accommodations, please contact the City Clerk at least two days prior to the meeting at [City Clerk](#) or 510-578-4266.



STAFF REPORT

Item B. 1.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Commending the Deaf Plus Adult Community

The Deaf Plus Adult Community (DPAC) is a nonprofit organization, located in the city of Newark, that serves deaf adults with disabilities (deafplus). A commendation has been prepared to honor DPAC for the support that they provide to help the deafplus community access employment, education, and community services.

Attachments

Commendation

COMMENDATION

DEAF PLUS ADULT COMMUNITY

WHEREAS, in 2007, a small volunteer group launched the beginnings of Deaf Plus Adult Community; and

WHEREAS, today, Deaf Plus Adult Community (DPAC) is an integrated adult day program that serves deaf adults with disabilities (“deafplus”) in the Greater San Francisco Bay Area; and

WHEREAS, Deaf Plus Adult Community provides a safe space in their spacious communal center in Newark, California, for deafplus adults to gather, build relationships, and explore their identities through recreational, educational, and social opportunities; and

WHEREAS, the goal of Deaf Plus Adult Community is to provide the communication and support necessary to gain access to employment, education, and community services; and

WHEREAS, through education, advocacy and outreach, Deaf Plus Adult Community works to address the social isolation faced by deafplus adults;

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby commend

DEAF PLUS ADULT COMMUNITY

for all that they do to give deafplus individuals and their families the opportunity to experience hope, love, respect, and support.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-seventh Day of July, Two Thousand Twenty-three.

MICHAEL K. HANNON
Mayor



STAFF REPORT

Item B. 2.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Introduction of employee(s)

Panhasak Bun, Police Officer will be introduced at the City Council meeting.



STAFF REPORT

Item D. 1.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Krysten Lee, Finance Director
SUBJECT Approval of Audited Demands

Attachments

Audited Demands 06.29.23
Audited Demands 07.06.23

LIVE Newark CA LIVE
Payment Batch Register
 Bank Account: AP - ZBA ACCOUNTS PAYABLE
 Batch Date: 06/29/2023

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE					
Check	06/29/2023	8747 Accounts Payable	4LEAF INC		16,483.50
	Invoice	Date	Description		Amount
		J4123H	06/22/2023	TEMP PROFESSIONAL CODE ENFORCEMENT SVCS - 5/1/23-5/31/23	16,483.50
Check	06/29/2023	8748 Accounts Payable	ABBE & ASSOCIATES LLC		70,400.00
	Invoice	Date	Description		Amount
		N-20	06/06/2023	RECYCLING/ORGANICS CONSULTANT	70,400.00
Check	06/29/2023	8749 Accounts Payable	ALPINE AWARDS INC		2,989.75
	Invoice	Date	Description		Amount
		6103413	06/07/2023	YOUTH AND ADULT SPORTS UNIFORMS	2,989.75
Check	06/29/2023	8750 Accounts Payable	ARI INVESTIGATIONS INC.		5,617.06
	Invoice	Date	Description		Amount
		22-168	03/06/2023	SUPPLEMENTARY INVESTIGATIVE SERVICES FY2023	5,617.06
Check	06/29/2023	8751 Accounts Payable	JEREMY BECK		147.24
	Invoice	Date	Description		Amount
		0606-060723EXP	06/27/2023	PUBLIC RECORDS ACT - WATSONVILLE-MILEAGE	147.24
Check	06/29/2023	8752 Accounts Payable	BLAISDELL'S BUSINESS PRODUCTS		1,164.43
	Invoice	Date	Description		Amount
		MAY'23	05/31/2023	OFFICE SUPPLIES 4/18 - 5/31/23	1,164.43
Check	06/29/2023	8753 Accounts Payable	K BROOKS STRATEGIES		9,957.13
	Invoice	Date	Description		Amount
		06262023REV	06/26/2023	NEWARK CHAMBER OF COMMERCE RESTART CEO PREPARATION - MAR '23	9,957.13
Check	06/29/2023	8754 Accounts Payable	CALIFORNIA HOMICIDE INVESTIGATORS ASSOCIATION		399.00
	Invoice	Date	Description		Amount
		22656	06/07/2023	54th ANNUAL CHI CONFERENCE-ANDREW M 8/15-8/18/23	399.00
Check	06/29/2023	8755 Accounts Payable	CODE 1 SUPPLY		3,858.43
	Invoice	Date	Description		Amount
		C120207721	06/06/2023	ZOLL CPR-PEDI PADZ	3,858.43
Check	06/29/2023	8756 Accounts Payable	DEOL OIL		2,719.78
	Invoice	Date	Description		Amount
		00002	06/07/2023	GASOLINE AND CAR WASH 7/1/22-5/24/23	2,719.78
Check	06/29/2023	8757 Accounts Payable	DYNAMIC FUEL SOLUTION		1,609.02
	Invoice	Date	Description		Amount
		1916	06/06/2023	FUEL POLISHING 6/6/23	1,609.02
Check	06/29/2023	8758 Accounts Payable	ECS IMAGING, INC.		1,310.00
	Invoice	Date	Description		Amount
		17756	05/04/2023	ADDITIONAL LICENSING	1,310.00
Check	06/29/2023	8759 Accounts Payable	EVIDENT, INC.		64.00
	Invoice	Date	Description		Amount
		221394B	06/05/2023	EVIDENCE SUPPLIES	64.00
Check	06/29/2023	8760 Accounts Payable	FEDEX		11.45

	Invoice	Date	Description	Amount
	8-157-50606	06/09/2023	PACKAGE DELIVERY - 5/31/23	11.45
Check	06/29/2023	8761 Accounts Payable	GRAINGER	130.91
	Invoice	Date	Description	Amount
	9713898394	05/30/2023	LIBRARY SUPPLIES-EDGE TRIM	57.14
	9715436870	05/22/2023	PD SUPPLIES-GASKET	73.77
Check	06/29/2023	8762 Accounts Payable	GYM DOCTORS	639.99
	Invoice	Date	Description	Amount
	00143762	06/08/2023	FITNESS CENTER EQUIPMENT MAINTENANCE 6/7/23	639.99
Check	06/29/2023	8763 Accounts Payable	HDL COREN & CONE	7,699.18
	Invoice	Date	Description	Amount
	SIN029065	06/20/2023	TRANSACTION TAX Q4/2022	406.91
	SIN028363	05/25/2023	SALES TAX AUDIT SERVICES Q4/2022	7,292.27
Check	06/29/2023	8764 Accounts Payable	HDL SOFTWARE, LLC	2,000.00
	Invoice	Date	Description	Amount
	SIN029252	06/19/2023	UUT SUPPORT & INDUSTRY MONITORING - JUN 2023	2,000.00
Check	06/29/2023	8765 Accounts Payable	HILLYARD	3,318.99
	Invoice	Date	Description	Amount
	605138691	06/05/2023	JANITORIAL SUPPLIES - HAND SOAP, TISSUE AND TOWELS	3,318.99
Check	06/29/2023	8766 Accounts Payable	YAMA HOMAYOUN	674.89
	Invoice	Date	Description	Amount
	0615-061723EXP	06/27/2023	SLI SESSION 6-CULVER CITY	674.89
Check	06/29/2023	8767 Accounts Payable	BRUCE HOWCROFT	188.63
	Invoice	Date	Description	Amount
	041723EXP	06/27/2023	SHIPPING EXPENSE FOR PATCHES	188.63
Check	06/29/2023	8768 Accounts Payable	MARISA HUNTLEY	111.74
	Invoice	Date	Description	Amount
	062223EXP	06/27/2023	RIMS CONFERENCE MEAL EXP 6/22/23	111.74
Check	06/29/2023	8769 Accounts Payable	BULBULNAZ JALALIDIN (NAZ)	75.98
	Invoice	Date	Description	Amount
	061023-061223EXP	06/10/2023	ITEMS FOR EMERG. PREPAREDNESS WORKSHOP FOR SMALL BUSINESSES	75.98
Check	06/29/2023	8770 Accounts Payable	JOINT VENTURE SILICON VALLEY	3,500.00
	Invoice	Date	Description	Amount
	06272023	06/27/2023	FY 2022-2023 MEMBERSHIP SURCHARGE	3,500.00
Check	06/29/2023	8771 Accounts Payable	KELCO SERVICES INC	1,125.00
	Invoice	Date	Description	Amount
	2305-170606	06/06/2023	ASBESTOS AND LEAD TESTING 5/26/23	1,125.00
Check	06/29/2023	8772 Accounts Payable	MEYERS NAVE, A PROFESSIONAL CORPORATION	13,312.70
	Invoice	Date	Description	Amount
	204373	04/27/2023	LEGAL SERVICES - CENTRAL AVENUE OVERPASS 03/23	550.50
	202891	02/17/2023	LEGAL SERVICES - CENTRAL AVENUE OVERPASS 01/23	812.40
	203449	03/27/2023	LEGAL SERVICES - CENTRAL AVENUE OVERPASS 02/23	9,101.00
	205388	05/24/2023	LEGAL SERVICES - CENTRAL AVENUE OVERPASS 04/23	2,848.80
Check	06/29/2023	8773 Accounts Payable	MG MEDIA CREATIVE LLC	1,080.00
	Invoice	Date	Description	Amount
	INV-0396	06/05/2023	DIGITAL MARKETING WORKSHOP - 6/5/2023	1,080.00
Check	06/29/2023	8774 Accounts Payable	MFCP INC	2.79
	Invoice	Date	Description	Amount
	8747935	06/05/2023	FLEET PARTS	2.79
Check	06/29/2023	8775 Accounts Payable	NATIONAL DATA & SURVEYING SERVICES,	465.00

	Invoice	Date	Description	Amount
	23-080062	03/21/2023	TRAFFIC SURVEY - APA #23-92	465.00
Check	06/29/2023	8776 Accounts Payable	THE PERMANENTE MEDICAL GROUP, INC.	1,827.00
	Invoice	Date	Description	Amount
	3209033478510609	06/09/2023	PRE-EMPLOYMENT/ DOT PHYSICALS 3/10/23 - 5/17/23	1,827.00
Check	06/29/2023	8777 Accounts Payable	SAVAGE TRAINING GROUP LLC	304.00
	Invoice	Date	Description	Amount
	INVOICE 2093	05/10/2023	DISPATCH PRIMING - MARCI MANUEL-10/27/23	304.00
Check	06/29/2023	8778 Accounts Payable	STAPLES	440.39
	Invoice	Date	Description	Amount
	8070453747	05/31/2023	OFFICE SUPPLIES 5/9 - 5/31/23	440.39
Check	06/29/2023	8779 Accounts Payable	T-MOBILE USA, INC	50.00
	Invoice	Date	Description	Amount
	9396431021	04/22/2023	TOWER DUMP-03/25/2023	50.00
Check	06/29/2023	8780 Accounts Payable	THE GOODYEAR TIRE & RUBBER COMPANY	10,532.58
	Invoice	Date	Description	Amount
	184-1099020	06/06/2023	TIRE ROAD SERVICE 6/6/23	1,331.43
	184-1099035	06/07/2023	TIRES-MARATION, G622, ARMORMAX	9,201.15
Check	06/29/2023	8781 Accounts Payable	TURF & INDUSTRIAL EQUIPMENT CO	1,002.87
	Invoice	Date	Description	Amount
	IV46714	06/09/2023	FLEET SUPPLIES-GENERATOR PROPRIETARY PART	1,002.87
Check	06/29/2023	8782 Accounts Payable	URBAN PLANNING PARTNERS, INC.	731.25
	Invoice	Date	Description	Amount
	22002-230430	05/30/2023	PROJECT MGMT SVCS - LEPAKSHI @ THORTON - SVCS 4/30/23	281.25
	22002-230531	06/28/2023	PROJECT MGMT SVCS - LEPAKSHI @ THORTON - SVCS 5/31/23	450.00
Check	06/29/2023	8783 Accounts Payable	WEINER'S LTD	754.52
	Invoice	Date	Description	Amount
	0080866	06/08/2023	SWIM GOGGLES AND SWIM DIAPERS	754.52
Check	06/29/2023	8784 Accounts Payable	HERZSTEIN , DAVID	132.31
	Invoice	Date	Description	Amount
	062823UUT	06/28/2023	UTILITY USERS TAX REFUND 07/22 - 06/30/2023	132.31
Check	06/29/2023	8785 Accounts Payable	TARLETON , MICHELLE	1,000.00
	Invoice	Date	Description	Amount
	2022-00005513	06/27/2023	RETURNING SPECIAL EVENT PERMIT SECURITY DEPOSIT	1,000.00
Check	06/29/2023	8786 Accounts Payable	COTTON, SHIRES AND ASSOCIATES, INC.	1,588.75
	Invoice	Date	Description	Amount
	623217	06/27/2023	GEOTECH PEER REVIEW - 38600 CEDAR BLVD 06/09-06/14/23	1,588.75
EFT	06/29/2023	614 Accounts Payable	METROPOLITAN PLANNING GROUP 121042882 / 2016189470	9,362.50
	Invoice	Date	Description	Amount
	2003680REV	05/17/2023	38600 CEDAR BLVD-WAYMARK PRJCT- SVCS THRU 1/31/23	2,931.25
	2003719REV	05/17/2023	38600 CEDAR BLVD-WAYMARK PRJCT- SVCS THRU 2/28/23	3,325.00
	2003845	05/22/2023	38600 CEDAR BLVD-WAYMARK PRJCT- SVCS THRU 4/30/23	3,106.25
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 41	\$178,782.76
Checks:	40	\$169,420.26		
EFTs:	1	\$9,362.50		

LIVE Newark CA LIVE
Payment Batch Register
 Bank Account: AP - ZBA ACCOUNTS PAYABLE
 Batch Date: 07/06/2023

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE					
Check	07/06/2023	8787 Accounts Payable	ABC FIRE PROTECTION, INC.		415.71
	Invoice	Date	Description		Amount
		62318	04/04/2023	COMMUNITY CENTER FIRE SERVICE 4/4/23	415.71
Check	07/06/2023	8788 Accounts Payable	AIRGAS USA, LLC		93.72
	Invoice	Date	Description		Amount
		9997728069	05/31/2023	CYL ACETYLENE RENTAL 05/31/23	93.72
Check	07/06/2023	8789 Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		2,164.76
	Invoice	Date	Description		Amount
		86324	06/14/2023	SCHOOL CROSSING GUARD SVCS 05/28-06/10/23	2,164.76
Check	07/06/2023	8790 Accounts Payable	ANKAR CYCLES, INC DBA OAKLAND HARLEY-DAVIDSON		885.00
	Invoice	Date	Description		Amount
		1052125	05/31/2023	HARLEY SERVICE 5/27/23	885.00
Check	07/06/2023	8791 Accounts Payable	APPLIED AIR FILTERS		9,508.91
	Invoice	Date	Description		Amount
		46735	06/14/2023	CITYWIDE AIR FILTERS	9,508.91
Check	07/06/2023	8792 Accounts Payable	AUTOWISE AUTOMOTIVE		1,709.58
	Invoice	Date	Description		Amount
		69487	06/15/2023	TIMING BELT AND WATER PUMP INSTALL	1,709.58
Check	07/06/2023	8793 Accounts Payable	BATTERY SYSTEMS INC		346.63
	Invoice	Date	Description		Amount
		28690612230957	06/12/2023	BATTERIES	346.63
Check	07/06/2023	8794 Accounts Payable	BURTON'S FIRE INC		11,513.69
	Invoice	Date	Description		Amount
		W 81209	06/27/2023	ANNUAL SERVICE UNIT #241	11,513.69
Check	07/06/2023	8795 Accounts Payable	SUPERION, LLC		26,884.58
	Invoice	Date	Description		Amount
		378859	04/03/2023	TRAKIT ANNUAL MAINTENANCE 06/01/23-05/31/24	26,884.58
Check	07/06/2023	8796 Accounts Payable	CHEVROLET OF FREMONT		1,781.58
	Invoice	Date	Description		Amount
		1124787	06/22/2023	CHEVY TAHOE SERVICE 06/14/23	1,781.58
Check	07/06/2023	8797 Accounts Payable	CLASSIC GRAPHICS		1,633.56
	Invoice	Date	Description		Amount
		48062	06/07/2023	STEP BOX ALUMINUM STORAGE INSTALL	1,633.56
Check	07/06/2023	8798 Accounts Payable	ALAMEDA COUNTY INFORMATION TECHNOLOGY DEPARTMENT		3,407.50
	Invoice	Date	Description		Amount
		112-2305037	06/10/2023	AWS ACCESS FEE MAY 2023	3,407.50
Check	07/06/2023	8799 Accounts Payable	DALE HARDWARE		1,194.24
	Invoice	Date	Description		Amount
		JUN' 23	06/25/2023	DALE SUPPLIES 06/25/2023	1,194.24

Check	07/06/2023	8800 Accounts Payable	DIVISION OF THE STATE ARCHITECT	110.80
	Invoice	Date	Description	Amount
	0401-063023	07/03/2023	CA STATE CASP FEES (AB1379)	110.80
Check	07/06/2023	8801 Accounts Payable	DOOLEY ENTERPRISES, INC.	4,997.97
	Invoice	Date	Description	Amount
	65803	06/14/2023	AMMUNITION 06/14/2023	4,997.97
Check	07/06/2023	8802 Accounts Payable	EAST BAY LAWN MOWER	7,849.65
	Invoice	Date	Description	Amount
	38097	06/12/2023	PARKS TOOLS	7,849.65
Check	07/06/2023	8803 Accounts Payable	ENVIRONMENTAL LOGISTICS	1,660.00
	Invoice	Date	Description	Amount
	119325	06/19/2023	HAZARDOUS WASTE REMOVAL 06/19/23	1,660.00
Check	07/06/2023	8804 Accounts Payable	EQUIFAX INFORMATION SVCS LLC	55.33
	Invoice	Date	Description	Amount
	2056069004	06/13/2023	CREDIT BUREAU REPORT FEES - 6/13/23	55.33
Check	07/06/2023	8805 Accounts Payable	EWING IRRIGATION PRODUCTS INC.	871.26
	Invoice	Date	Description	Amount
	19641786	06/06/2023	PARK SUPPLIES-IRRIGATION SPRINKLER/PUMP	820.00
	19628916	06/05/2023	PARK SUPPLIES- CHRISTY LID	51.26
Check	07/06/2023	8806 Accounts Payable	FLOCK SAFETY	26,250.00
	Invoice	Date	Description	Amount
	INV-16921	06/13/2023	FLOCK SAFETY ADVANCED SEARCH 10/31/22-10/30/24	26,250.00
Check	07/06/2023	8807 Accounts Payable	FRANK BONETTI PLUMBING INC	2,415.00
	Invoice	Date	Description	Amount
	45999	05/10/2023	PLUBING SERVICE AT SERVICE YARD 5/2/23	2,415.00
Check	07/06/2023	8808 Accounts Payable	FREMONT CDJR	223.44
	Invoice	Date	Description	Amount
	93251	06/21/2023	LOCK-IGNIT	223.44
Check	07/06/2023	8809 Accounts Payable	FRONTIER BUILDING PRODUCTS PACIFIC, INC	1,415.00
	Invoice	Date	Description	Amount
	6-12-873891	06/12/2023	SVC NEW SPRINGS 6/12/23	1,415.00
Check	07/06/2023	8810 Accounts Payable	GIGANTIC IDEA STUDIO, INC.	2,723.82
	Invoice	Date	Description	Amount
	INV-4043	06/15/2023	RECYCLING & WASTE REDUCTION OUTREACH TO RESIDENTS & BUS. 05/23	2,723.82
Check	07/06/2023	8811 Accounts Payable	GRAINGER	3,793.81
	Invoice	Date	Description	Amount
	9725015706	05/31/2023	SVC DOOR LOCK WITH OVERRIDE	674.99
	9710772048	05/17/2023	SVC CEIL HEATER	743.52
	9703309071	05/10/2023	CH/SVC-AIR FILTER AND FLAT PANEL HEATER	669.09
	9720595744	05/25/2023	SVC PUSH BUTTON LOCK WITH OVERRIDE	674.99
	9725020664	05/31/2023	SVC DOOR LOCK WITH OVERRIDE	706.05
	9589391862	01/27/2023	LOCKING RECEPTACLE	325.17
Check	07/06/2023	8812 Accounts Payable	HDL SOFTWARE, LLC	2,000.00
	Invoice	Date	Description	Amount
	SIN028548	06/08/2023	UUT SUPPORT & INDUSTRY MONITORING - MAY 2023	2,000.00
Check	07/06/2023	8813 Accounts Payable	THE MEJORANDO GROUP	11,135.97
	Invoice	Date	Description	Amount
	39-2023	06/26/2023	FY 22/23 TRAINING SERVICES 01/23 - 06/23	11,135.97
Check	07/06/2023	8814 Accounts Payable	JAYSON IMAI	154.70
	Invoice	Date	Description	Amount

	0425-050423EXP	06/28/2023	EXPENSE REIMBURSEMENT	154.70
Check	07/06/2023	8815 Accounts Payable	JEFF'S MOBILE GLASS INC.	523.23
	Invoice	Date	Description	Amount
	IJMG-0613-81161	06/13/2023	FLEET WINDSHIELD REPLACEMENT 6/13/23	523.23
Check	07/06/2023	8816 Accounts Payable	JOCELYN E. ROLAND	475.00
	Invoice	Date	Description	Amount
	21806	06/26/2023	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -06/26/23	475.00
Check	07/06/2023	8817 Accounts Payable	L.N. CURTIS AND SONS	248.30
	Invoice	Date	Description	Amount
	PINV814718	06/14/2023	EQUIPMENT FOR NEW HIRES	248.30
Check	07/06/2023	8818 Accounts Payable	LEGACY ROOFING & WATERPROOFING	420.00
	Invoice	Date	Description	Amount
	6010093-WO	06/20/2023	SVC SKYLIGHT REPAIR 6/13/23	420.00
Check	07/06/2023	8819 Accounts Payable	LOOMIS	437.63
	Invoice	Date	Description	Amount
	13282482	07/02/2023	ARMORED CAR SERVICE - 06/23	437.63
Check	07/06/2023	8820 Accounts Payable	MARK GOTHARD	500.00
	Invoice	Date	Description	Amount
	42023042023	06/21/2023	SENIOR CHAIR FITNESS 6/1 - 6/15/23	500.00
Check	07/06/2023	8821 Accounts Payable	MEYERS NAVE, A PROFESSIONAL CORPORATION	54,403.00
	Invoice	Date	Description	Amount
	201640	01/24/2023	LEGAL SVCS FOR SAHA PROJECT - SVCS THRU 12/2022	1,710.00
	202875	02/17/2023	LEGAL SVCS FOR SAHA PROJECT - SVCS THRU 1/2023	11,025.00
	203438	03/27/2023	LEGAL SVCS FOR SAHA PROJECT - SVCS THRU 2/2023	10,890.00
	203437	03/27/2023	LEGAL SVCS - MOWRY VILLAGE PROJECT - SVCS THRU 2/28/23	30,541.50
	205376	05/24/2023	LEGAL SVCS - MOWRY VILLAGE PROJECT - SVCS THRU 4/30/23	236.50
Check	07/06/2023	8822 Accounts Payable	MIKE YORKS INVESTIGATIONS	3,075.00
	Invoice	Date	Description	Amount
	2023-23	06/11/2023	BACKGROUND INVESTIGATION 5/5-6/11/23	3,075.00
Check	07/06/2023	8823 Accounts Payable	MUNICIPAL MAINTENANCE EQUIPMENT INC	6,244.89
	Invoice	Date	Description	Amount
	FS000012125-1	05/19/2023	REAR LIGHT SERVICE	6,244.89
Check	07/06/2023	8824 Accounts Payable	NHA ADVISORS, LLC	5,731.25
	Invoice	Date	Description	Amount
	859	02/27/2023	2022-2023 CONSULTING - LINDSAY TRACT ASSESSMENT DISTRICT	5,731.25
Check	07/06/2023	8825 Accounts Payable	NUTRIEN AG SOLUTIONS, INC.	6,459.43
	Invoice	Date	Description	Amount
	51817039	06/26/2023	PESTICIDES-PENDULUM, SPEED SONE, TURFLON, ATRIMM, NUTRA	6,459.43
Check	07/06/2023	8826 Accounts Payable	PACIFIC GAS & ELECTRIC	60,767.76
	Invoice	Date	Description	Amount
	7786-052223	05/22/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 04/18-05/16/23	29,194.73
	7786-062023	06/20/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 05/17-06/17/23	28,786.02
	7460-061523	06/15/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 04/27-05/25/23	2,787.01
Check	07/06/2023	8827 Accounts Payable	PERFORMANCE PEST MANAGEMENT	659.00
	Invoice	Date	Description	Amount
	68618	06/13/2023	PEST SERVICES - CITY HALL #102699 6/13/23	484.00
	69194	06/13/2023	PEST SERVICES - SILLIMAN #12710 6/13/23	175.00
Check	07/06/2023	8828 Accounts Payable	PHOENIX GROUP INFORMATION SYSTEMS	225.00
	Invoice	Date	Description	Amount
	052023101	06/16/2023	PARKING CITATION PROGRAM - MAY 2023	225.00

Check	07/06/2023	8829 Accounts Payable	POOLED LIABILITY ASSURANCE NETWORK JPA	7,085.50
	Invoice	Date	Description	Amount
	PLAN-2023-0231	06/12/2023	GENERAL LIABILITY PREMIUM FY22-23- MAY 2023	7,085.50
Check	07/06/2023	8830 Accounts Payable	EDDA RIVERA	463.90
	Invoice	Date	Description	Amount
	41723-6823EXP	06/21/2023	EXPENSE REIMBURSEMENTS	463.90
Check	07/06/2023	8831 Accounts Payable	ROSAS BROTHERS CONSTRUCTION	17,497.38
	Invoice	Date	Description	Amount
	1815	06/12/2023	RETENTION PAYMENT, PROJECT 1279 2/1 - 5/30/23	17,497.38
Check	07/06/2023	8832 Accounts Payable	SCHINDLER ELEVATOR CORPORATION	2,058.11
	Invoice	Date	Description	Amount
	8106217044	04/01/2023	ELEVATOR SERVICE 04/01/23-06/30/23	2,058.11
Check	07/06/2023	8833 Accounts Payable	SEDGWICK	1,320.00
	Invoice	Date	Description	Amount
	BRS-0020415	06/13/2023	REMOTE RISK CONTROL-MAY 2023	1,320.00
Check	07/06/2023	8834 Accounts Payable	ISABEL ZAMORA	2,700.00
	Invoice	Date	Description	Amount
	0005976	06/15/2023	K9 TRAINING MARCH, APRIL, MAY 2023	2,700.00
Check	07/06/2023	8835 Accounts Payable	STANDARD INSURANCE COMPANY	948.00
	Invoice	Date	Description	Amount
	BILLING-JUNE 23	06/01/2023	EMPLOYEE LIFE INSURANCE AND AD&D COVERAGE PREMIUMS- 06/01-06/30	948.00
Check	07/06/2023	8836 Accounts Payable	STANTEC CONSULTING SERVICES INC	19,400.00
	Invoice	Date	Description	Amount
	2070867	04/20/2023	EIR CONSULTING FOR MOWRY VILLAGE PRJCT - PER. ENDING 3/24/2023	16,178.00
	2089595	06/09/2023	EIR CONSULTING FOR MOWRY VILLAGE PRJCT - PER. ENDING 5/26/2023	3,222.00
Check	07/06/2023	8837 Accounts Payable	STEVE G. HOOS	1,548.98
	Invoice	Date	Description	Amount
	37016	06/22/2023	FS DISHWASHER REPLACEMENT AND INSTALL	1,548.98
Check	07/06/2023	8838 Accounts Payable	TARGET SPECIALTY PRODUCTS	6,975.15
	Invoice	Date	Description	Amount
	INVP501147715	05/15/2023	PARKS SUPPLIES - CHEETAH PRO HERVICIDE	6,975.15
Check	07/06/2023	8839 Accounts Payable	TEMPERATURE TECHNOLOGY INC.	15,175.21
	Invoice	Date	Description	Amount
	I2429	04/20/2023	CITY HALL HVAC SERVICE 4/20/23	990.00
	I2385	04/19/2023	CITY HALL HVAC SERVICE 4/19/23	1,741.07
	I2463	05/03/2023	FS #1 HVAC SERVICE 5/3/23	1,561.76
	I2489	05/08/2023	SR CTR HVAC SERVICE 5/8/23	4,121.04
	I2418	04/26/2023	PD HVAC SERVICE 4/26/23	2,743.84
	I2459	05/01/2023	CITY HALL HVAC SERVICE 5/1/23	1,005.00
	I2458	05/08/2023	CITY HALL HVAC SERVICE 5/8/23	580.00
	I2488	05/12/2023	CITY HALL HVAC SERVICE 5/12/23	800.00
	I2504	05/26/2023	CITY HALL HVAC SERVICE 5/26/23	775.00
	I2507	05/31/2023	CITY HALL HVAC SERVICE 5/31/23	857.50
Check	07/06/2023	8840 Accounts Payable	THE GOODYEAR TIRE & RUBBER COMPANY	3,913.59
	Invoice	Date	Description	Amount
	184-1099054	06/12/2023	TIRE REPLACEMENTS 6/12/23	3,913.59
Check	07/06/2023	8841 Accounts Payable	TIREHUB, LLC	1,490.34
	Invoice	Date	Description	Amount

	33782423	04/11/2023	TIRES-EAGLE ENFORCER AW/BW/RS	1,490.34
Check	07/06/2023	8842 Accounts Payable	TURF STAR, INC.	692.10
	Invoice	Date	Description	Amount
	7284279-00	06/13/2023	FLEET AIR FILTER	692.10
Check	07/06/2023	8843 Accounts Payable	UNION SANITARY DISTRICT	1,594.49
	Invoice	Date	Description	Amount
	002969	05/31/2023	USD SERVICE -SINK HOLE ON SMITH 5/31/23	1,594.49
Check	07/06/2023	8844 Accounts Payable	URBAN PLANNING PARTNERS, INC.	218.75
	Invoice	Date	Description	Amount
	21009-221231	02/02/2023	PROFESSIONAL SVCS FOR TASK ORD #1/CDBG/ SVCS 10/1/22-12/31/22	218.75
Check	07/06/2023	8845 Accounts Payable	MARK VALDEZ	275.77
	Invoice	Date	Description	Amount
	061623EXP	06/21/2023	BOOT REIMBURSEMENT 6/16/23	275.77
Check	07/06/2023	8846 Accounts Payable	BOSCO OIL INC DBA VALLEY OIL	17,548.77
	Invoice	Date	Description	Amount
	157626	06/27/2023	GASOLINE 6/27/23	13,738.05
	161376	06/27/2023	DIESEL FUEL 06/27/23	3,810.72
Check	07/06/2023	8847 Accounts Payable	HARVEY , MARIE	500.00
	Invoice	Date	Description	Amount
	682051	06/26/2023	RENTAL COMPLETION REFUND	500.00
Check	07/06/2023	8848 Accounts Payable	KONERU , SWARA	196.00
	Invoice	Date	Description	Amount
	680016	06/14/2023	CREDIT DID NOT POST TO CUSTOMER'S ACCOUNT	196.00
Check	07/06/2023	8849 Accounts Payable	MARCO ROOFING COMPANY	193.60
	Invoice	Date	Description	Amount
	ROOF21-0175RFND	06/29/2023	PROJECT CANCELLED - REFUND 80% OF PERMIT FEE	193.60
Check	07/06/2023	8850 Accounts Payable	PARROCHA , FRED	500.00
	Invoice	Date	Description	Amount
	682048	06/26/2023	RENTAL COMPLETION REFUND	500.00
Check	07/06/2023	8851 Accounts Payable	ROSETTA'S ENTERPRISES INC.	193.60
	Invoice	Date	Description	Amount
	ROOF22-0037RFND	06/29/2023	PROJECT CANCELLED - REFUND 80% OF PERMIT FEE	193.60
Check	07/06/2023	8852 Accounts Payable	SSVGGP VENTURES LLC	29,656.60
	Invoice	Date	Description	Amount
	2022-3869	07/05/2023	ESUB2022-0001 RFND	29,656.60
Check	07/06/2023	8853 Accounts Payable	WANG , THERESA	8,765.00
	Invoice	Date	Description	Amount
	2021-2170	07/05/2023	ENCP2020-0128 RFND	8,765.00
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 67	\$408,276.54
Checks:	67	\$408,276.54		



STAFF REPORT

Item D. 2.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Approval of July 13, 2023, minutes

Attachments

Minutes



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

Draft

**Thursday, July 13, 2023
7:00 P.M.**

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:00 p.m. Vice Mayor Collazo, Council Members Bucci, Freitas, and Jorgens were present.

B. PRESENTATIONS

1. Introduction of employee(s)

Mayor Hannon introduced Child Care Instructors Donna Luistro and Katherine Dardon.

2. Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival

Mayor Hannon presented the proclamation to Roger Pereira, Diane Pereira, Daniella Nunes, and Paul Mendes.

C. PUBLIC COMMENT

No one requested to speak.

D. CONSENT CALENDAR

Linda Dulaney requested the removal of D.10 for separate consideration.

Council Member Bucci moved, Council Member Freitas seconded, to approve Consent Calendar Items D.1 through D.9, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of June 22, 2023, minutes
3. Adopt resolutions: (1) authorizing the deletion of one full-time equivalent Aquatic Activities Specialist and the addition of one full-time equivalent Aquatics Coordinator to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (2) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of City Engineer; amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of City Engineer and assign salary range 20; authorizing the deletion of one fulltime equivalent Assistant City Engineer and the addition of one full-time equivalent City Engineer to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; (3) authorizing the addition of one full-time equivalent Senior Street Maintenance Worker to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (4) amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Maintenance Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Maintenance Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; and (5) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of Facilities Supervisor; amending the Compensation and Benefit Plan for the

Management, Supervisory, and Professional Employee Group to add the classification of Facilities Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Facilities Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5
Resolution Nos. 11537 - 11541

4. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with LPC Services, Inc. for pest control services for City facilities
Resolution No. 11542
Contract No. 23053
5. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Applied Landscape Materials, Inc., to install engineered wood fiber material to all City-owned playgrounds
Resolution No. 11543
Contract No. 23054
6. Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program and authorize an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11544
Contract No. 23055
7. Waive full reading, conduct second reading by title only, and adopt an ordinance repealing and replacing Chapter 3.04, "Purchasing System" of Title 3 "Revenue and Finance" of the Newark Municipal Code in its entirety
Ordinance No. 544
8. Waive full reading, conduct second reading by title only, and adopt an ordinance adding Chapter 3.05, "Informal Bid Procedures" to Title 3 "Revenue and Finance" of the Newark Municipal Code
Ordinance No. 545

9. Adopt a resolution to approve an amendment to Contractual Services Agreement with Patrick Ibarra dba The Mejorando Group to complete employee training services and approve a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11545
Contract No. 21058

Item removed from the Consent Calendar

10. Adopt a Resolution authorizing the City Manager to execute an agreement with All City Management Services, Inc. to provide Crossing Guard Services for the Newark Unified School District and amend the 2022-2024 Biennial Budget and Capital Improvement Plan
Resolution No. 11546
Contract No. 23056

Linda Dulaney stated that she works a fill in crossing guard for All City Management Services and thanked the City Council for continuing the crossing guard service for the community.

Moved by Council Member Freitas, seconded by Vice Mayor Collazo to adopt a resolution authorizing the City Manager to execute a contractual service agreement with All City Management Services, Inc. for school crossing guards and amend the 2022-2024 Biennial Budget. The motion passed 5 AYES.

E. PUBLIC HEARINGS

1. Hearing to consider adopting a resolution to confirm the diagram and assessments and to levy and collect assessments in conjunction with Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19
Resolution No. 11547

Vice Mayor Collazo announced that she would recuse from participating in this item due to real property interests in Landscaping and Lighting District Nos. 10 and 11.

City Manager Benoun announced that he would recuse from this item due to a real property interest in Landscaping and Lighting District No. 11.

Vice Mayor Collazo and City Manager Benoun each exited the City Council Chambers.

Mayor Hannon opened the public hearing at 7:25 p.m.

No one requested to speak.

Mayor Hannon closed the public hearing at 7:26 p.m.

Council Member Bucci moved, Council Member Jorgens seconded, to adopt a resolution confirming diagrams and assessments and levying and collection of assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19, for Fiscal Year 2024. The motion passed 4 AYES, 1 RECUSED.

Vice Mayor Collazo and City Manager Benoun returned to the City Council Chambers.

F. OTHER BUSINESS

G. CITY COUNCIL MATTERS

Council Member Jorgens thanked staff for their work during the Fourth of July Holiday.

Council Member Bucci congratulated the Portuguese Fraternal Society of America Council No. 16 on their 100th anniversary. He stated that Movies in The Park would resume this month with the first one on July 29, 2023 at the Newark Community Center.

Vice Mayor Collazo announced the Music at the Grove concert on Friday and the Mariachi Festival on Sunday. She welcomed a new granddaughter named Esmeralda. Shop Newark.

Mayor Hannon congratulated the Portuguese Fraternal Society of America Council No. 16 on their 100th anniversary. He thanked staff for their work during the Fourth of July Holiday. He noted that citations were issued for illegal fireworks and that Safe and Sane fireworks sales support local nonprofits. He noted that Newark Leadership members lost the Bocci Ball Tournament to the city of Fremont. He announced that the Newark Library will be open on Sundays from 1 pm to 5 pm beginning on July 23. He thanked Vice Mayor Collazo for her work on the Mariachi Festival.

H. CITY MANAGER UPDATES

Assistant City Manager Hovorka, stated that there will be a free pop-up event at the Newark Community Park on July 18th beginning at 1:30 p.m. She highlighted the special needs opportunities inside the building.

I. CLOSED SESSION

1. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Horst, Joshua v. City of Newark (Workers' Compensation Appeals Board Number ADJ16393743)

2. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Saunders, Jeff v. City of Newark (Workers' Compensation Appeals Board Number ADJ9328008)
3. Closed session for conference with Labor Negotiator pursuant to California Government Code Section 54957.6. Agency Designated Representative: Mayor Hannon, Unrepresented employee: City Manager Benoun

At 7:35 p.m. the City Council recessed to a closed session.

At 7:48 p.m. the City Council convened in closed session.

At 8:12 p.m. the City Council reconvened in open session with all Council Members present.

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 8:12 p.m.



STAFF REPORT

Item D. 3.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM James Scanlin, Environmental Services Manager
SUBJECT Adopt a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 for solid waste management program specialty contractual services by R3 Consulting Group, Inc.

SUMMARY AND RECOMMENDATION

The City previously executed a Contractual Services Agreement with R3 Consulting Group, Inc. (R3) to review implementation of the existing Republic Services Franchise Agreement and assist with contract negotiations on an extension to that agreement. These were successfully completed. A second Contractual Services Agreement with R3 is needed to provide additional analysis of the City's ongoing solid waste management program. The new Contractual Services Agreement is within the City Manager's authority for contract execution, but a budget authorization in the amount of \$35,000 is needed for the desired services.

Staff recommends that the City Council, by resolution, amend the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 for specialty contracting services by R3 Consulting Group, Inc.

BACKGROUND

The City previously released a Request for Proposals (RFP) for professional services to assist with an assessment of Republic Services' rates and implementation of the Waste Hauler Franchise Agreement (Phase I) and, if authorized, to assist with contract negotiations (Phase II). R3 Consulting Group, Inc. (R3) was the only firm that responded to the RFP. The City entered into an agreement with R3 for the completion of Phase I. Upon completion of Phase I and subsequent authorization by the City Council to enter into negotiations for an extension of the Waste Hauler Franchise Agreement, the City approved an amendment to the agreement with R3 to assist with contract extension negotiations. With the assistance of R3, the Franchise Agreement extension negotiations were successfully completed and approved by the City Council.

A continuation of services related to the City's solid waste management program is desired through a second Contractual Services Agreement with R3 Consulting Group, Inc. This additional agreement is within the City Manager's approval authority.

DISCUSSION/ANALYSIS

The City requires additional analysis of the costs associated with the City's solid waste management program. R3 is familiar with the City's current Franchise Agreement details and has extensive experience conducting the necessary analysis. Staff is prepared to execute a new agreement with R3 for the required services and now seeks City Council approval for a budget amendment in the amount of \$35,000 in Fiscal Year 2024 for the additional services.

FISCAL IMPACT

An amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan is required to increase the Fiscal Year 2024 Environmental Services Waste Management program operating budget for the desired consulting services by \$35,000.

REVIEW AND APPROVAL

Prepared by - James Scanlin, Environmental Services Manager

Reviewed by - Soren Fajeau, Public Works Director

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING THE 2022-2024 BIENNIAL BUDGET
AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR
2024 FOR SPECIALTY CONSULTING SERVICES BY R3
CONSULTING GROUP, INC.

WHEREAS, the City and R3 Consulting Group, Inc. ("Consultant") entered into a Consulting Services Agreement (CSA) between City and Consultant for Waste Hauler Franchise Agreement Consulting Services effective July 15, 2022 (Agreement); and

WHEREAS, the City and R3 Consulting Group, Inc. entered into the First Amendment to the agreement for Waste Hauler Franchise Agreement Contract Extension Negotiation Services effective November 10, 2022 (First Amendment); and

WHEREAS, Consultant has satisfactorily completed the scope of services in the Agreement and the First Amendment to the Agreement; and

WHEREAS, additional funds are needed for Consultant to enter into a new Contractual Services Agreement with the City for specialty consulting services that include additional analysis of the City's solid waste management program; and

WHEREAS, the City Manager is authorized to enter into said Contractual Services Agreement pending a budget amendment to allocate funding for this scope of activity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark hereby approves an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to appropriate \$35,000 to the Waste Management Program for Fiscal Year 2024 as follows:

TO:	140.60.063.631.6220	Consultant Services	\$35,000
FR:	140.3000	Unallocated Fund Balance	\$35,000



STAFF REPORT

Item D. 4.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Alex Tat, Senior Civil Engineer
SUBJECT Adopt a resolution authorizing the City Manager to execute Contractual Services Agreements, in a form approved by the City Attorney, with BKF Engineers and NCE for on-call pavement engineering and management services

SUMMARY AND RECOMMENDATION

The City of Newark utilizes outside consultants to perform engineering and management services to help the City with various projects. To meet current demands, staff released a competitive Request for Qualifications (RFQ) for On-Call Pavement Engineering and Management Services. Based on staff's analysis of four (4) RFQ responses received, BKF Engineers and NCE were determined to be the firms that will provide the best overall service to the City.

Staff recommends that the City Council, by resolution, authorize the City Manager to enter into Contractual Services Agreements, in a form approved by the City Attorney, with BKF Engineers and NCE for On-Call Pavement Engineering and Management Services for an amount not to exceed \$2,000,000 each for a five (5) year term.

BACKGROUND

The Public Works department has a growing backlog of important pavement maintenance and rehabilitation projects in the current Capital Improvement Plan. There are a sufficient number and variety of projects that pavement engineering and management services are required to assist with planning, managing, budgeting, designing, and preparation of final plans, specifications, and estimates for the construction of these projects.

The Public Works Department released a Request for Qualifications (RFQ) in accordance with the City's Purchasing Rules and Regulations for On-Call Pavement Engineering and Management Services. Notices Inviting Bids and RFQs were posted on the City's website and sent to firms either previously under contract with the City or that expressed interest in receiving such notices and RFQs. The RFQs specified that selection would be made based on the firm's understanding of the City's desires and general approach to completing the work, the qualifications and experience of the firm and staff identified, experience with contracts of similar scope and complexity, satisfaction of previous clients, and proposed rate schedules.

DISCUSSION/ANALYSIS

In response to the RFQ, Public Works Department staff received a total of four (4) responses on or before January 5, 2023, from the following firms:

BKF Engineers
Harris & Associates
NCE
REY Engineers

Responses from each of the firms were evaluated based on the selection criteria listed in the RFQ. BKF Engineers and NCE provided the most comprehensive responses and satisfied the stated selection criteria. Both firms have also provided similar services for other local municipalities throughout the Bay Area. Staff is therefore recommending the approval of Contractual Services Agreements for on-call pavement engineering and management services with BKF Engineers and NCE, each with a term of five (5) years and a not-to-exceed amount of \$2,000,000.

Two firms were selected to cover the variety of pavement and management services needed and ensure services can be provided in a timely manner. The not-to-exceed amount of \$2,000,000 for each consultant was determined by estimating the cost of services to address the current and projected project backlog. The selected firms will provide on-call pavement engineering and management services to help with the City's Annual AC Overlay and Slurry Seal Programs, the Thornton Avenue Pavement Rehabilitation Project between Interstate 880 and Olive Street for which Newark recently received \$2 million in federal earmarked funds, as well as other pavement maintenance projects and studies. The required scope of services will include, but are not limited to the following:

- Provide staff and services on an on-call, as-needed basis
- Preliminary planning services for a multi-year pavement preventative maintenance and rehabilitation plan (list of street segments) with the City's approved and projected budget allocations
- Data collection and site visit to assess existing pavement condition, identify potential patch paving areas and check curb ramp for ADA compliance
- Design, coordinate and prepare final plans, specifications and estimates for construction of projects
- Review of plans and documents for constructability
- Construction management and administrative support.

Specific work activities under each agreement will be authorized by individual task orders and subject to available budget appropriation and prior budgetary funding authorization by the City Council through the Capital Improvement Plan or departmental budgets.

FISCAL IMPACT

None. Task orders related to BKF's and NCE's On-Call Contractual Services Agreements may only be authorized for projects with previously approved budget appropriations or where there is an independent funding source.

REVIEW AND APPROVAL

Prepared by – Alex Tat, Senior Civil Engineer

Reviewed by – Jayson Imai, Assistant City Engineer

Reviewed by – Soren Fajeau, Public Works Director

Reviewed by – Krysten Lee, Finance Director

Reviewed by - Kristopher Kokotaylo, City Attorney

Approved by – David Benoun, City Manager

Attachments

782 Resolution On Call Pavement Engineering

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY MANAGER TO
EXECUTE CONTRACTUAL SERVICES AGREEMENTS WITH
BKF ENGINEERS AND NCE IN AN AMOUNT NOT TO
EXCEED \$2,000,000 EACH, FOR A TERM OF FIVE (5) YEARS

WHEREAS, the City of Newark has a growing backlog of Capital Improvement Plan pavement maintenance and rehabilitation projects; and

WHEREAS, the Public Works Department issued a Request for Qualifications for on-call pavement engineering and management services to assist the City with reducing the backlog of projects; and

WHEREAS, a total of four (4) statements of qualifications were received and evaluated by staff based on the qualifications and experience of the firm and staff identified, the firm's understanding of the City's desires and general approach to completing the work, experience with contracts of similar scope and complexity, satisfaction of previous clients, and proposed rate schedules; and

WHEREAS, based on the staff's evaluations, BKF Engineers and NCE were determined to be the firms who will provide the best overall service to the City.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute Contractual Services Agreements, each in a form approved by the City Attorney, with BKF Engineers and NCE, in an amount not to exceed \$2,000,000 each, for a term of five (5) years.

BE IT FURTHER RESOLVED that specific consultant work activities shall be authorized by the City Manager or their designee with individual Task Orders, and all such activities are subject to available budget appropriation and prior budgetary funding authorization.

BE IT FURTHER RESOLVED that the City Manager is authorized to take any actions necessary to effectuate the intent of this Resolution.



STAFF REPORT

Item D. 5.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Lenka Hovorka, Assistant City Manager
SUBJECT Adopt a resolution approving a Salary Schedule in conformance with California Code of Regulations, Title 2, Section 570.5

SUMMARY AND RECOMMENDATION

The California Public Employees Retirement System (CalPERS) requires that the City of Newark adopt a publicly available pay schedule that consolidates all approved regular employee salaries into one document. To meet this requirement, staff recommends that the City Council, by resolution, adopt a Salary Schedule.

BACKGROUND

California Code of Regulations, Title 2, Section 570.5 provides the requirements for a Publicly Available Pay Schedule. The pay schedule must meet eight (8) requirements:

1. Be duly approved and adopted by the City in accordance with requirements of applicable public meeting laws
2. Identify the position title for every employee positions
3. Show the pay rate as a single amount or multiple amounts within a range for each identified position
4. Indicate the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually
5. Be posted at City Hall or immediately accessible and available for public review from the City during normal business hours or posted on the City's website
6. Indicate an effective date and date of any revisions
7. Is retained by the employer and available for public inspection for not less than five years
8. Does not reference another document in lieu of disclosing the pay rate

Publicly available pay schedules are a critical component for CalPERS' verification of pay rates when calculating retirement benefits. Maintaining a compliant publicly available pay schedule will support transparency and expedite CalPERS' review process.

Currently, the City relies on various publicly available documents to communicate the City's classifications and compensation, including compensation and benefit plans, memoranda of understanding, a salary schedule for temporary employees, Resolution

2505, Employee Classification Plan, and resolutions amending the Employee Classification Plan.

DISCUSSION/ANALYSIS

The City Council currently approves regular City employee salaries when an employee group's Compensation and Benefit Plan (Plan) or Memorandum of Understanding (MOU) is adopted. If salary changes are proposed after a Plan or MOU is approved, staff seeks approval of the specific salary change from City Council by resolution. To streamline compliance with the CalPERS requirement of publicly posting a City Council approved consolidated salary schedule that is passed by resolution, staff has created the attached schedule (Exhibit A). All salaries listed on the schedule were previously approved by City Council.

If approved, each instance a salary change is approved by City Council in the future, the Salary Schedule would be brought to City Council to be updated with the change. This ensures compliance with CalPERS consolidated salary schedule requirements. To further consolidate and streamline information, the Salary Schedule may also be used as the sole document to list all approved Employee Classifications, eliminating the need to also amend Resolution 2505, Employee Classification Plan, each time a classification is abolished, changed or added. The Salary Schedule would serve as the sole document that identifies employee classifications and salaries. This could also include the salary ranges for temporary employee classifications as well, eliminating the need for two separate salary schedules.

The City Council's action approving the proposed resolution will have no impact on compensation for any individual employee of the City but will simply consolidate salaries in one publicly available schedule.

FISCAL IMPACT

There is no fiscal impact associated with this action.

REVIEW AND APPROVAL

Prepared by - Lenka Hovorka, Assistant City Manager

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Resolution - Salary Schedule

Exhibit A - Salary Schedule

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ADOPTING A SALARY SCHEDULE IN
CONFORMANCE WITH CALIFORNIA CODE OF
REGULATIONS, TITLE 2, SECTION 570.5 EFFECTIVE
JULY 1, 2023

WHEREAS, the Public Employees' Retirement Law (PERL), Public Employees' Pension Reform Act of 2013 (PEPRA), and Title 2 of the California Code of Regulations (CCR) requires local agencies to publish a publicly available pay schedule; and

WHEREAS, under the PERL and PEPRA, compensation earnable and pensionable compensation are determined in accordance with amounts identified on publicly available pay schedules; and

WHEREAS, California Code of Regulations, Title 2, Section 570.5 requires that salary schedules are duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws; and

WHEREAS, the City currently utilizes publicly available compensation and benefit plans, memoranda of understanding, and Resolution 2505, Employee Classification Plan, to communicate the City's classifications and salaries; and

WHEREAS, the City desires to identify all classifications and salaries in one consolidated document, known as the "Salary Schedule", eliminating the need to further update Resolution 2505; and

WHEREAS, consolidating all classifications and salaries into the Salary Schedule will not, in and of itself, result in any revisions to pay and compensation for City employees.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves the Salary Schedule, effective July 1, 2023, attached as Exhibit A.

BE IT FURTHER RESOLVED that the City Council directs City staff to publish the amended salary schedule in compliance with California Code of Regulations, Title 2, Section 570.5.

CITY OF NEWARK
Salary Schedule Effective 07/01/2023

	Step 1 Minimum			Step 2			Step 3			Step 4			Step 5 Maximum		
Classification	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual
Accountant	51.01	4,080.80	106,100.80	53.56	4,284.80	111,404.80	56.24	4,499.20	116,979.20	59.05	4,724.00	122,824.00	62.01	4,960.80	128,980.80
Accounting Assistant I	35.52	2,841.60	73,881.60	37.04	2,963.20	77,043.20	38.71	3,096.80	80,516.80	40.42	3,233.60	84,073.60	42.30	3,384.00	87,984.00
Accounting Manager	62.29	4,983.20	129,563.20	Range 15									83.14	6,651.20	172,931.20
Accounting Technician I	41.33	3,306.40	85,966.40	43.19	3,455.20	89,835.20	45.13	3,610.40	93,870.40	47.10	3,768.00	97,968.00	49.26	3,940.80	102,460.80
Accounting Technician II	45.47	3,637.60	94,577.60	47.50	3,800.00	98,800.00	49.64	3,971.20	103,251.20	51.81	4,144.80	107,764.80	54.19	4,335.20	112,715.20
Administrative Analyst	51.01	4,080.80	106,100.80	53.56	4,284.80	111,404.80	56.24	4,499.20	116,979.20	59.05	4,724.00	122,824.00	62.01	4,960.80	128,980.80
Administrative Assistant	41.21	3,296.80	85,716.80	43.24	3,459.20	89,939.20	45.37	3,629.60	94,369.60	47.63	3,810.40	99,070.40	50.05	4,004.00	104,104.00
Administrative Support Specialist I	32.18	2,574.40	66,934.40	33.57	2,685.60	69,825.60	35.02	2,801.60	72,841.60	36.60	2,928.00	76,128.00	38.15	3,052.00	79,352.00
Administrative Support Specialist II	35.13	2,810.40	73,070.40	36.70	2,936.00	76,336.00	38.32	3,065.60	79,705.60	40.06	3,204.80	83,324.80	41.82	3,345.60	86,985.60
Animal Control Officer	40.05	3,204.00	83,304.00	42.05	3,364.00	87,464.00	44.16	3,532.80	91,852.80	46.37	3,709.60	96,449.60	48.68	3,894.40	101,254.40
Aquatic Activities Specialist	27.85	2,228.00	57,928.00	29.29	2,343.20	60,923.20	30.72	2,457.60	63,897.60	32.26	2,580.80	67,100.80	33.87	2,709.60	70,449.60
Aquatics Coordinator	40.73	3,258.40	84,718.40	42.55	3,404.00	88,504.00	44.47	3,557.60	92,497.60	46.42	3,713.60	96,553.60	48.46	3,876.80	100,796.80
Assistant City Engineer	84.18	6,734.40	175,094.40	Range 19									101.02	8,081.60	210,121.60
Assistant City Manager	112.86	9,028.80	234,748.80	Range 25									135.43	10,834.40	281,694.40
Assistant Engineer-Civil	51.01	4,080.80	106,100.80	53.56	4,284.80	111,404.80	56.24	4,499.20	116,979.20	59.05	4,724.00	122,824.00	62.01	4,960.80	128,980.80
Assistant Maintenance Superintendent	65.95	5,276.00	137,176.00	Range 14									79.15	6,332.00	164,632.00
Assistant to the City Manager	59.83	4,786.40	124,446.40	Range 12									71.80	5,744.00	149,344.00
Associate Civil Engineer	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60	68.37	5,469.60	142,209.60	71.79	5,743.20	149,323.20	75.38	6,030.40	156,790.40
Associate Planner	53.57	4,285.60	111,425.60	56.25	4,500.00	117,000.00	59.06	4,724.80	122,844.80	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60
Building Inspector I	52.34	4,187.20	108,867.20	54.72	4,377.60	113,817.60	57.27	4,581.60	119,121.60	59.95	4,796.00	124,696.00	62.70	5,016.00	130,416.00
Building Inspector II	54.96	4,396.80	114,316.80	57.46	4,596.80	119,516.80	60.13	4,810.40	125,070.40	62.94	5,035.20	130,915.20	65.84	5,267.20	136,947.20
Building Mechanic I	39.21	3,136.80	81,556.80	41.19	3,295.20	85,675.20	43.24	3,459.20	89,939.20	45.42	3,633.60	94,473.60	47.69	3,815.20	99,195.20
Building Mechanic II	43.20	3,456.00	89,856.00	45.36	3,628.80	94,348.80	47.64	3,811.20	99,091.20	50.03	4,002.40	104,062.40	52.51	4,200.80	109,220.80
Cashier	35.80	2,864.00	74,464.00	37.39	2,991.20	77,771.20	39.08	3,126.40	81,286.40	40.81	3,264.80	84,884.80	42.60	3,408.00	88,608.00
Chief Building Official	80.19	6,415.20	166,795.20	Range 18									96.23	7,698.40	200,158.40
Chief Information Officer/Information Technology Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
Child Care Instructor	25.03	2,002.40	52,062.40	26.30	2,104.00	54,704.00	27.62	2,209.60	57,449.60	29.00	2,320.00	60,320.00	30.47	2,437.60	63,377.60
City Attorney	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80

CITY OF NEWARK
Salary Schedule Effective 07/01/2023

	Step 1 Minimum			Step 2			Step 3			Step 4			Step 5 Maximum		
Classification	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual
City Clerk	72.73	5,818.40	151,278.40	Range 16									87.27	6,981.60	181,521.60
City Manager	130.60	10,448.00	271,648.00	Range 28									156.72	12,537.60	325,977.60
Junior Engineer-Civil	46.27	3,701.60	96,241.60	48.59	3,887.20	101,067.20	51.02	4,081.60	106,121.60	53.57	4,285.60	111,425.60	56.25	4,500.00	117,000.00
Collections Assistant	39.06	3,124.80	81,244.80	40.79	3,263.20	84,843.20	42.58	3,406.40	88,566.40	44.48	3,558.40	92,518.40	46.53	3,722.40	96,782.40
Community Development Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
Community Engagement Manager	54.27	4,341.60	112,881.60	Range 10									65.12	5,209.60	135,449.60
Community Preservation Manager	69.29	5,543.20	144,123.20	Range 15									83.14	6,651.20	172,931.20
Community Preservation Specialist	43.64	3,491.20	90,771.20	45.63	3,650.40	94,910.40	47.71	3,816.80	99,236.80	49.91	3,992.80	103,812.80	52.23	4,178.40	108,638.40
Community Service Officer	40.50	3,240.00	84,240.00	42.53	3,402.40	88,462.40	44.65	3,572.00	92,872.00	46.89	3,751.20	97,531.20	49.23	3,938.40	102,398.40
Crime Analyst	51.01	4,080.80	106,100.80	53.56	4,284.80	111,404.80	56.24	4,499.20	116,979.20	59.05	4,724.00	122,824.00	62.01	4,960.80	128,980.80
Deputy Community Development Director	80.19	6,415.20	166,795.20	Range 18									96.23	7,698.40	200,158.40
Economic Development Manager	72.73	5,818.40	151,278.40	Range 16									87.27	6,981.60	181,521.60
Engineering Aide I	38.06	3,044.80	79,164.80	39.74	3,179.20	82,659.20	41.52	3,321.60	86,361.60	43.37	3,469.60	90,209.60	45.34	3,627.20	94,307.20
Engineering Technician I	45.17	3,613.60	93,953.60	47.17	3,773.60	98,113.60	49.33	3,946.40	102,606.40	51.60	4,128.00	107,328.00	53.94	4,315.20	112,195.20
Engineering Technician II	48.38	3,870.40	100,630.40	50.59	4,047.20	105,227.20	52.91	4,232.80	110,052.80	55.35	4,428.00	115,128.00	57.91	4,632.80	120,452.80
Engineering Technician III	52.34	4,187.20	108,867.20	54.73	4,378.40	113,838.40	57.28	4,582.40	119,142.40	59.95	4,796.00	124,696.00	62.71	5,016.80	130,436.80
Environmental Service Manager	69.29	5,543.20	144,123.20	Range 15									83.14	6,651.20	172,931.20
Equipment Mechanic I	40.33	3,226.40	83,886.40	42.33	3,386.40	88,046.40	44.47	3,557.60	92,497.60	46.68	3,734.40	97,094.40	49.02	3,921.60	101,961.60
Equipment Mechanic II	44.40	3,552.00	92,352.00	46.61	3,728.80	96,948.80	48.95	3,916.00	101,816.00	51.40	4,112.00	106,912.00	53.95	4,316.00	112,216.00
Executive Assistant	45.81	3,664.80	95,284.80	48.06	3,844.80	99,964.80	50.45	4,036.00	104,936.00	52.96	4,236.80	110,156.80	55.58	4,446.40	115,606.40
Field Assistant	27.43	2,194.40	57,054.40	28.86	2,308.80	60,028.80	30.26	2,420.80	62,940.80	31.79	2,543.20	66,123.20	33.37	2,669.60	69,409.60
Finance Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
General Laborer	29.31	2,344.80	60,964.80	30.79	2,463.20	64,043.20	32.33	2,586.40	67,246.40	33.95	2,716.00	70,616.00	35.64	2,851.20	74,131.20
Human Resources Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
Human Resources Technician	42.09	3,367.20	87,547.20	44.15	3,532.00	91,832.00	46.35	3,708.00	96,408.00	48.64	3,891.20	101,171.20	51.08	4,086.40	106,246.40
Information Technology Analyst	56.26	4,500.80	117,020.80	59.07	4,725.60	122,865.60	62.03	4,962.40	129,022.40	65.13	5,210.40	135,470.40	68.38	5,470.40	142,230.40
Information Technology Technician I	39.99	3,199.20	83,179.20	41.98	3,358.40	87,318.40	44.07	3,525.60	91,665.60	46.28	3,702.40	96,262.40	48.60	3,888.00	101,088.00
Information Technology Technician II	44.43	3,554.40	92,414.40	46.65	3,732.00	97,032.00	48.97	3,917.60	101,857.60	51.42	4,113.60	106,953.60	54.00	4,320.00	112,320.00

CITY OF NEWARK
Salary Schedule Effective 07/01/2023

	Step 1 Minimum			Step 2			Step 3			Step 4			Step 5 Maximum		
Classification	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual
Landscape & Parks Maintenance Worker I	36.64	2,931.20	76,211.20	38.47	3,077.60	80,017.60	40.40	3,232.00	84,032.00	42.41	3,392.80	88,212.80	44.54	3,563.20	92,643.20
Landscape & Parks Maintenance Worker II	40.35	3,228.00	83,928.00	42.35	3,388.00	88,088.00	44.49	3,559.20	92,539.20	46.71	3,736.80	97,156.80	49.04	3,923.20	102,003.20
Landscape Inspector	37.65	3,012.00	78,312.00	39.52	3,161.60	82,201.60	41.50	3,320.00	86,320.00	43.57	3,485.60	90,625.60	45.75	3,660.00	95,160.00
Lead Child Care Instructor	28.80	2,304.00	59,904.00	30.24	2,419.20	62,899.20	31.77	2,541.60	66,081.60	33.36	2,668.80	69,388.80	35.04	2,803.20	72,883.20
Lead Public Safety Dispatcher	49.09	3,927.20	102,107.20	51.55	4,124.00	107,224.00	54.13	4,330.40	112,590.40	56.83	4,546.40	118,206.40	59.67	4,773.60	124,113.60
Maintenance Superintendent	72.73	5,818.40	151,278.40	Range 16									87.27	6,981.60	181,521.60
Permit Technician	40.96	3,276.80	85,196.80	42.80	3,424.00	89,024.00	44.73	3,578.40	93,038.40	46.68	3,734.40	97,094.40	48.78	3,902.40	101,462.40
Plan Check Engineer	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60	68.37	5,469.60	142,209.60	71.79	5,743.20	149,323.20	75.38	6,030.40	156,790.40
Planning Manager	69.29	5,543.20	144,123.20	Range 15									83.14	6,651.20	172,931.20
Police Captain	97.49	7,799.20	202,779.20	Range 22									116.99	9,359.20	243,339.20
Police Chief	112.86	9,028.80	234,748.80	Range 25									135.43	10,834.40	281,694.40
Police Lieutenant	84.18	6,734.40	175,094.40	Range 19									101.02	8,081.60	210,121.60
Police Officer	55.33	4,426.40	115,086.40	58.09	4,647.20	120,827.20	61.00	4,880.00	126,880.00	64.05	5,124.00	133,224.00	67.25	5,380.00	139,880.00
Police Records Supervisor	43.85	3,508.00	91,208.00	46.05	3,684.00	95,784.00	48.35	3,868.00	100,568.00	50.77	4,061.60	105,601.60	53.31	4,264.80	110,884.80
Police Sergeant	65.83	5,266.40	136,926.40	69.12	5,529.60	143,769.60	72.57	5,805.60	150,945.60	76.20	6,096.00	158,496.00	80.01	6,400.80	166,420.80
Police Support Service Manager	69.29	5,543.20	144,123.20	Range 15									83.14	6,651.20	172,931.20
Principal Civil Engineer	76.35	6,108.00	158,808.00	Range 17									91.63	7,330.40	190,590.40
Public Safety Clerk	38.11	3,048.80	79,268.80	40.02	3,201.60	83,241.60	42.02	3,361.60	87,401.60	44.12	3,529.60	91,769.60	46.33	3,706.40	96,366.40
Public Safety Dispatcher	45.45	3,636.00	94,536.00	47.72	3,817.60	99,257.60	50.11	4,008.80	104,228.80	52.62	4,209.60	109,449.60	55.25	4,420.00	114,920.00
Public Works Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
Public Works Inspector	54.97	4,397.60	114,337.60	57.47	4,597.60	119,537.60	60.14	4,811.20	125,091.20	62.94	5,035.20	130,915.20	65.84	5,267.20	136,947.20
Recreation and Community Service Director	107.46	8,596.80	223,516.80	Range 24									128.96	10,316.80	268,236.80
Recreation and Community Service Manager	69.29	5,543.20	144,123.20	Range 15									83.14	6,651.20	172,931.20
Recreation Coordinator	40.73	3,258.40	84,718.40	42.55	3,404.00	88,504.00	44.47	3,557.60	92,497.60	46.42	3,713.60	96,553.60	48.46	3,876.80	100,796.80
Recreation Supervisor	53.57	4,285.60	111,425.60	56.25	4,500.00	117,000.00	59.06	4,724.80	122,844.80	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60
Red Light Photo Enforcement Technician	38.86	3,108.80	80,828.80	40.81	3,264.80	84,884.80	42.85	3,428.00	89,128.00	44.99	3,599.20	93,579.20	47.24	3,779.20	98,259.20
Senior Accountant	59.07	4,725.60	122,865.60	62.03	4,962.40	129,022.40	65.13	5,210.40	135,470.40	68.38	5,470.40	142,230.40	71.80	5,744.00	149,344.00
Senior Administrative Analyst	59.07	4,725.60	122,865.60	62.03	4,962.40	129,022.40	65.13	5,210.40	135,470.40	68.38	5,470.40	142,230.40	71.80	5,744.00	149,344.00
Senior Administrative Support Specialist	38.65	3,092.00	80,392.00	40.37	3,229.60	83,969.60	42.21	3,376.80	87,796.80	44.04	3,523.20	91,603.20	46.02	3,681.60	95,721.60

CITY OF NEWARK
Salary Schedule Effective 07/01/2023

	Step 1 Minimum			Step 2			Step 3			Step 4			Step 5 Maximum		
Classification	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual	Hourly	Biweekly	Annual
Senior Building Inspector	57.43	4,594.40	119,454.40	60.13	4,810.40	125,070.40	62.70	5,016.00	130,416.00	65.89	5,271.20	137,051.20	68.98	5,518.40	143,478.40
Senior Building Mechanic	47.58	3,806.40	98,966.40	49.92	3,993.60	103,833.60	52.45	4,196.00	109,096.00	55.06	4,404.80	114,524.80	57.83	4,626.40	120,286.40
Senior Civil Engineer	68.40	5,472.00	142,272.00	71.82	5,745.60	149,385.60	75.42	6,033.60	156,873.60	79.19	6,335.20	164,715.20	83.14	6,651.20	172,931.20
Senior Equipment Mechanic	48.88	3,910.40	101,670.40	51.32	4,105.60	106,745.60	53.88	4,310.40	112,070.40	56.57	4,525.60	117,665.60	59.42	4,753.60	123,593.60
Senior Information Technology Analyst	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60	68.37	5,469.60	142,209.60	71.79	5,743.20	149,323.20	75.38	6,030.40	156,790.40
Senior Landscape & Parks Maintenance Worker	44.43	3,554.40	92,414.40	46.65	3,732.00	97,032.00	48.99	3,919.20	101,899.20	51.43	4,114.40	106,974.40	54.00	4,320.00	112,320.00
Senior Landscape Inspector	44.43	3,554.40	92,414.40	46.65	3,732.00	97,032.00	48.99	3,919.20	101,899.20	51.43	4,114.40	106,974.40	54.00	4,320.00	112,320.00
Senior Planner	62.02	4,961.60	129,001.60	65.12	5,209.60	135,449.60	68.37	5,469.60	142,209.60	71.79	5,743.20	149,323.20	75.38	6,030.40	156,790.40
Senior Recreation Supervisor	59.07	4,725.60	122,865.60	62.03	4,962.40	129,022.40	65.13	5,210.40	135,470.40	68.38	5,470.40	142,230.40	71.80	5,744.00	149,344.00
Senior Street Maintenance Worker	44.44	3,555.20	92,435.20	46.66	3,732.80	97,052.80	48.99	3,919.20	101,899.20	51.44	4,115.20	106,995.20	54.01	4,320.80	112,340.80
Street Maintenance Worker I	36.64	2,931.20	76,211.20	38.47	3,077.60	80,017.60	40.40	3,232.00	84,032.00	42.41	3,392.80	88,212.80	44.54	3,563.20	92,643.20
Street Maintenance Worker II	40.35	3,228.00	83,928.00	42.35	3,388.00	88,088.00	44.49	3,559.20	92,539.20	46.71	3,736.80	97,156.80	49.04	3,923.20	102,003.20
Street Maintenance Worker Lead	42.39	3,391.20	88,171.20	44.51	3,560.80	92,580.80	46.74	3,739.20	97,219.20	49.07	3,925.60	102,065.60	51.52	4,121.60	107,161.60
Vehicle Abatement Officer	32.01	2,560.80	66,580.80	33.60	2,688.00	69,888.00	35.29	2,823.20	73,403.20	37.04	2,963.20	77,043.20	38.90	3,112.00	80,912.00
Youth Instructor I	20.05	1,604.00	41,704.00	21.05	1,684.00	43,784.00	22.10	1,768.00	45,968.00	23.20	1,856.00	48,256.00	24.36	1,948.80	50,668.80
Youth Instructor II	25.03	2,002.40	52,062.40	26.30	2,104.00	54,704.00	27.62	2,209.60	57,449.60	28.99	2,319.20	60,299.20	30.47	2,437.60	63,377.60



STAFF REPORT

Item D. 6.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Brian Simon, Lieutenant
SUBJECT Adopt a resolution authorizing the City Manager to execute an agreement with Faro Technologies Incorporated for the Focus Premium Three-Dimensional Scanner and amend the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024

SUMMARY AND RECOMMENDATION

The Newark Police Department currently owns a 13+ year old Leica total station device which is used for gathering evidence at crime and collision scenes. The total station device relies on manual measurements and line-of sight observations to gather two-dimensional evidentiary data. City staff recommends the replacement of this antiquated total station device with a three-dimensional scanner from Faro Technologies Incorporated that employs advanced laser scanning technology to capture precise three-dimensional data and photographs of evidentiary scenes. Faro Technologies Incorporated has been evaluated by staff as a sole source vendor to provide the three-dimensional scanner technology with proprietary encryption that meets Department of Justice Evidentiary requirements. Staff also recommends that the City Council amend the 2022-2024 Biennial Budget and Capital Improvement Plan.

BACKGROUND

The Newark Police Department purchased a Leica total station device more than thirteen years ago for use in evidence collection at crime and collision scenes. The total station employs a laser device geolocated at the scene. One officer points the laser from the total station device toward a second officer holding a reflector pole over a piece of evidence. With the use of a laser, the total station provides the potential to collect more data points and reduces the time required to gather evidence over previous conventional methods of tape measures and carpenter squares. Moreover, the total station requires fewer officers to operate efficiently.

Despite these advantages, the total station method also has its limitations. The final 2-dimensional product is created by a computer that necessitates more manual computer processing and manipulation to generate the image. Furthermore, like previous conventional methods, any data not collected or considered relevant at the time is lost once the scene is cleared.

DISCUSSION/ANALYSIS

The Faro 3D Scanner presents a significant advancement in laser measurement technology over the City's aging total station, offering a range of distinct advantages. First, the Faro 3D Scanner eliminates the need for a team of officers to laser measure the scene. This not only saves time but also enhances evidence integrity by minimizing the disturbance to the crime or collision scene during the data capture process. Second, the scanner captures a vast amount of data points, creating a highly detailed and accurate 3D representation of the scene. This comprehensive data collection surpasses the limitations of traditional methods, enabling investigators to analyze and reconstruct the scene more effectively. Additionally, the Faro three-dimensional scanner's digital output allows for enhanced documentation, eliminating the possibility of data loss or human error during manual drawings. Moreover, the scanner's ability to create precise three-dimensional models expedites the analysis process and facilitates collaboration among investigators and other stakeholders. With its speed, accuracy, and advanced capabilities, the Faro 3D Scanner is ideal for the City's needs related crime scene investigation and collision analysis.

FISCAL IMPACT

The 2022-2024 Biennial Budget and Capital Improvement Plan did not include appropriation for this purchase therefore a \$95,000 budget appropriation of equipment replacement funds is needed. Staff recommends the City Council of the City of Newark authorize a budget amendment to the Equipment Replacement Fund (701) as follows:

Increase:	701.87.701.800.8053	Special Police Equipment	\$95,000
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Decrease:	701.3000	Unallocated Fund Balance	\$95,000
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REVIEW AND APPROVAL

Prepared by - Brian Simon, Lieutenant

Reviewed by - Jonathan Arguello, Captain

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Faro Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT WITH FARO TECHNOLOGIES
INCORPORATED TO PURCHASE THE FARO FOCUS
PREMIUM THREE-DIMENSIONAL SCANNER AND AMEND
THE 2022-2024 BIENNIAL BUDGET AND CAPITAL
IMPROVEMENT PLAN

WHEREAS, Newark Police Department has identified a need for replacement of existing total station crime scene measuring device which has reached the end of its useful life; and

WHEREAS, the Faro Focus Premium Laser scanner would satisfy the Police Departments needs for this replacement in Fiscal Year 2024 through the Equipment Replacement Fund; and

WHEREAS, Faro Technologies Incorporated is the sole vendor able to provide the three-dimensional scanner technology with proprietary encryption that meets Department of Justice Evidentiary requirements; and

WHEREAS, formal bids would work an incongruity and would be unavailing in affecting the final results; and

WHEREAS, Faro Technologies Incorporated is the sole provider of the software service, warranty, maintenance, annual calibration, and training programs associated with Faro Focus Laser Scanner and thus formal bids would not produce any advantage to the City; and

WHEREAS, a budget amendment is necessary to fund the replacement of this equipment in Fiscal Year 2024 through the Equipment Replacement Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager to executed an agreement, in a form approved by the City Attorney, for the purchase of a Faro Focus Premium Laser Scanner from Faro Technologies Incorporated in the amount not to exceed \$95,000.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to appropriate an additional \$95,000 for this purchase using existing unallocated equipment replacement funds as follows:

Increase:	701.87.701.800.8053	Special	Police
Equipment	\$95,000		
Decrease:	701.3000	Unallocated Fund Balance	\$95,000



STAFF REPORT

Item D. 7.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Ed Miranda, Information Technology Director/CIO
SUBJECT Adopt a resolution authorizing the acceptance of the State of California grants for Quiet Zone Safety Improvement in the amount of \$2,000,000 and for Broadband Improvements in the amount of \$1,800,000 and amend the 2022-2024 Biennial Budget and Capital Improvement Plan

SUMMARY AND RECOMMENDATION

City staff submitted requests to Assembly Member Alex Lee's office, asking if the Assembly Member could undertake legislative efforts to fund high priority projects within the City. As a result of the request and as a result of Mr. Lee's efforts, the State legislature approved funding for Quiet Zone Railroad Safety Improvements and Broadband Improvements totaling \$3.8 million in grants. Staff recommends that the City Council, by resolution, authorize the City to accept the State of California grants for Quiet Zones through the California Department of Transportation and for Broadband Improvements through the California Department of Technology and also amend the 2022-2024 Biennial Budget and Capital Improvement Plan.

BACKGROUND

In July 2022, City staff contacted Assembly Member Lee's Office and requested that he lead legislative efforts that result in funding for high priority projects that would address Citywide service needs, including traffic safety and accessibility. Among the list of projects requested were the Quiet Zones and Broadband Infrastructure Project. As a result of the efforts of City staff and Assembly Member Lee, the City of Newark was selected to receive \$3.8 million for improvements in accordance with State Administrative Manual Section 8002.1 and Assembly Bill (AB) 179, Amendment to 2022 California Budget Act. Below is the intended use of funds.

- **Quiet Zones - \$2 million**

Funding for Quiet Zone Safety Improvements will enable the City to address an important quality of life issue for Newark residents by essentially eliminating the need for train horns when a train passes a roadway-rail at-grade crossing in the City. The City of Newark currently has ten (10) active and three (3) inactive public at-grade crossings. Many of these crossings are directly adjacent to densely populated residential areas. The Federal Railroad Administration regulations require that locomotive horns be sounded at every at-grade crossing, regardless of the time of day, which has an impact on residents that the City would like to mitigate. Federal regulations also provide for the implementation of Quiet Zones at these crossings where alternative supplemental safety features can be installed

for the purpose of eliminating the requirement that train horns be sounded. These supplemental safety features primarily include four-quadrant security gates and raised medians. The City recently completed a Quiet Zones Feasibility Study that included findings that Quiet Zones are possible at each of the City's active at-grade crossings. With those findings, the City is now moving forward with the specific designs of the supplemental safety features for each crossing and seeking funding from multiple sources to construct the improvements. The implementation of Quiet Zones on a Citywide basis would be a significant quality of life enhancement for Newark residents.

- **Broadband Infrastructure Project - \$1.8 million**

The purpose of the Broadband Master Plan is to ensure sufficient infrastructure is in place to provide robust broadband services for residents and businesses. The City has hired a consultant who is working extensively with City staff and departments as well as stakeholders in the community to understand how Newark can best use its unique capabilities and strengths to enhance quality of life, economic development, and government innovation by increasing the availability of broadband throughout the community. Outreach to Newark businesses, residents and community anchors and interviews with City departments will guide the assessment of the state of broadband in Newark to identify use cases and key issues impacting the community and city operations. The Master Plan scope of work would include development of an inventory, to the extent possible, of existing fiber optic infrastructure, identification of unserved and underserved areas, identification of gaps in infrastructure assets, and development of phased improvement to address short-term and long-term needs. The Master Plan will identify solutions for improved broadband services to unserved and underserved areas. The development phase will follow findings, recommendations and strategies of the Broadband Master Plan and will focus on the priorities developed through the Master Plan process to improve the existing network.

DISCUSSION/ANALYSIS

The funding for the City of Newark to receive \$3.8 million from the State of California for the Quiet Zones and Broadband Improvement projects was adopted in August 2022 in accordance with State Administrative Section 8002.1 and Assembly Bill (AB) 179, Amendment to 2022 California Budget Act.

Upon acceptance of the funds by the City of Newark, the State of California will work through both the California Department of Transportation (Quiet Zones) and California Department of Technology (Broadband) to disburse the funds.

Quiet Zones - Newark experiences a fairly high degree of railroad traffic, including two subdivision lines. Federal regulations require trains to sound horns at high decibel levels within certain distances of at-grade railroad crossings. However, Federal law allows local agencies to design and construct improvements at railroad crossings that would make it safe so that trains do not have to sound their horns. To address residents' continued and increased concerns over loud train horn soundings in Newark, the City retained a consultant to determine if improvements could be constructed at

crossings in Newark and, if so, provide estimated costs. That study concluded it is permissible to do so and estimates the cost of improvements at around \$2 million. Once funding is received, the City will complete the design phase and move into the construction phase of the project.

Broadband - The City issued a Request for Proposal to retain a consultant to assist with the development of a Broadband Master Plan. The master plan will identify any gaps of broadband service to residents and businesses. The \$1.8 million from the State will supplement the \$1.2 million designated in the City of Newark's American Rescue Plan Act (ARPA) funds for the Broadband project. This cumulative \$3 million will not fully fund all goals of the master plan. However, it will allow for implementation to begin soon after adoption of the master plan, which is anticipated to be near the end of this calendar year.

FISCAL IMPACT

The recommended action of adopting a resolution to accept the AB179 Quiet Zones and Broadband Improvements grants through the State of California will increase revenue to help fund the two projects. Staff recommends an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to reflect the increased revenue and appropriation as follows:

Increase Revenue: \$2,000,000 of State Grants AB179 for Quiet Zones Project (GL 492.90.094.940.4792.CIP001357)

Increase Revenue: \$1,800,000 of State Grants AB179 for Broadband Project (GL 492.90.094.940.4792)

Increase Appropriation: \$3,800,000 transfers out to offset expenditures in other funds (GL 492.90.094.940.9999)

Increase Appropriation: \$2,000,000 for general contractual services for Quiet Zones Design & Construction (GL 610.90.094.940.6221.CIP001357)

REVIEW AND APPROVAL

Prepared by - Ed Miranda, CIO/IT Director and Soren Fajeau, Public Works Director

Reviewed by - Lenka Hovorka, Assistant City Manager

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Resolution Grants

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY TO ACCEPT THE
ASSEMBLY BILL 179 (AB179) QUIET ZONES AND
BROADBAND IMPROVEMENT GRANT THROUGH THE
STATE OF CALIFORNIA AND AMEND THE 2022-2024
BIENNIAL BUDGET.

WHEREAS, the City of Newark has been selected to receive \$3.8 million from the State of California as a result of lobbying efforts of City Staff and Assemblymember Alex Lee for Quiet Zones and Broadband Improvements in accordance with State Administrative Manual Section 8002.1 and Assembly Bill (AB)179, Amendment to 2022 California Budget Act; and

WHEREAS, the State of California included \$2,000,000 for Quiet Zones in their budget adopted August 2022 to be allocated by the California Department of Transportation; and

WHEREAS, the City of Newark will submit an invoice to the California Department of Transportation for the \$2,000,000 allocated for Broadband Improvements; and

WHEREAS, the State of California included \$1,800,000 for Broadband Improvements in their budget adopted August 2022 to be allocated by the California Department of Technology; and

WHEREAS, the City of Newark will submit an invoice to the California Department of Technology, Office of Technology Services for the \$1,800,000 allocated for Broadband Improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark authorizes the City to accept the State of California grants for Quiet Zones and Broadband Improvements.

BE IT FURTHER RESOLVED that the City Council of the City of Newark approves an amendment to the 2022-2024 Biennial Budget and Capital Improvement Program as follows:

Incr:	492.90.094.940.4792.CIP001357	State Grants AB179 - Quiet Zones	\$2,000,000
Incr:	492.90.094.940.4792	State Grants AB179 – Broadband	\$1,800,000
Incr:	492.90.094.940.9999	Transfer Out	\$3,800,000
Incr:	610.90.094.940.6221.CIP001357	Quiet Zones Design & Construction	\$2,000,000



STAFF REPORT

Item D. 8.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Lenka Hovorka, Assistant City Manager
SUBJECT Adopt a resolution (1) adding multiple positions to the Employee Classification Plan; (2) adding and deleting multiple positions from the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (3) approving a Side Letter amending the Memorandum of Understanding between the City of Newark and Newark Association of Miscellaneous Employees; (4) amending the Compensation and Benefit Plan for Management, Supervisory and Professional Employees; (5) approving an amendment to the City's Salary Schedule; and (6) amending the 2022-2024 Biennial Budget and Capital Improvement Plan

SUMMARY AND RECOMMENDATION

City staff is nearing completion of a Citywide Classification and Compensation Study and staffing requests. As results are prepared and reviewed, staff is recommending proposed actions to the City Council to address staffing needs. Staff recommends that the City Council adopt a resolution (1) adding Equipment Mechanic I/II, Landscape and Parks Maintenance Worker I/II, Management Analyst I/II, Senior Management Analyst and Deputy Economic Development Director to the Employee Classification Plan; (2) deleting two full-time equivalent (FTE) Equipment Mechanic IIs, two FTE Landscape and Parks Maintenance Worker Is, two FTE Landscape and Parks Maintenance Worker IIs, three (FTE) Administrative Analysts and one FTE Economic Development Manager, and adding two FTE Equipment Mechanic I/II, four FTE Landscape and Parks Maintenance Worker I/II, four FTE Management Analysts I/II and one FTE Deputy Economic Development Director to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (3) approving a Side Letter amending the Memorandum of Understanding; (4) amending the Compensation and Benefit Plan for Management, Supervisory and Professional Employees; (5) approving an amendment to the City's Salary Schedule; and (6) amending the 2022-2024 Biennial Budget and Capital Improvement Plan.

BACKGROUND

Over one year ago, the City hired a former City of Newark Human Resources Director to complete a citywide Classification and Compensation Study (Study). While the Study has not yet been fully completed, some results have been released. Classification study results were analyzed by Human Resources Department staff, discussed with the appropriate bargaining units, and reviewed by employees and supervisors at all levels. Compensation information, which included a maximum total compensation salary comparison to the ten cities in the City's labor market and an internal relationship

analysis, was reviewed by Human Resources Department staff to determine if changes to current compensation levels are warranted. Compensation changes are considered when the City's maximum total compensation salary is below the labor market average.

While the Study was underway, departments shared their requests to augment current staffing levels. While many of those requests are still pending, a number of requests were identified as more urgent priorities due to customer demands to address a significant backlog of work and to enhance the extent of organizational oversight at various levels in the City. Addressing these priorities creates potential promotional opportunities to retain talented staff as well as recruit skilled employees that will assist with staff retention. This much needed relief will support the success of staff that is challenged by the significant workload.

DISCUSSION/ANALYSIS

EQUIPMENT MECHANIC I/II AND LANDSCAPE AND PARKS MAINTENANCE WORKER I/II

The Maintenance Division of the Public Works Department includes four sections - Equipment/Fleet, Landscape and Parks, Streets, and Buildings/Facilities. Two of the four sections, Streets and Buildings/Facilities, currently have a flexible staffing model for the entry (I) and journey level (II) positions. This model allows an employee to advance from level I to level II if they meet the minimum qualifications, journey level work is available/necessary for effective operations, and there is sufficient budget. This type of advancement opportunity is attractive to employees who aspire to achieve journey level status and job candidates who seek an employer with a career ladder providing both midterm and long-term promotional opportunities. Currently, the Equipment/Fleet and Landscape and Parks sections' job classifications do not have this same advancement model, as the entry and journey level positions are separated into two separate classifications. Staff recommends that the Equipment/Fleet and Landscape and Parks sections' entry level (I) and journey level (II) job classifications be combined to provide the same advancement opportunities as the other two Maintenance Division sections.

MANAGEMENT ANALYST I/II AND SENIOR MANAGEMENT ANALYST

The Study included a comparison of job descriptions and salaries of the City's Administrative Analyst position. In the City's labor market, "Management Analyst" was the common title for the position comparable to the City's "Administrative Analyst". Similarly, the City's Senior Administrative Analyst position is found to be commonly titled "Senior Management Analyst". For recruitment and retention purposes, staff recommends that the City follow common practice and rename the classifications of Administrative Analyst and Senior Administrative Analyst to Management Analyst and Senior Management Analyst. Also, to expand the career ladder for employees and to follow another public sector common practice, staff recommends that entry and journey level responsibilities be separated into two classifications, and that the advancement model be applied, resulting in a single class specification of Management Analyst I/II. This allows for an employee to advance from a level I to level II when the need for more complex or higher level work exists, funding is available, and an employee is qualified for the level II position. Exploring expansion of the career ladder led to a

review of the job duties currently assigned to the four incumbents of the Administrative Analyst classification in the City Manager's Office, Human Resources, Police, and Public Works. Application of the career ladder would result in three Management Analyst I/II positions, one each in Human Resources, Police and Public Works, and one Senior Management Analyst position in the City Manager's Office. If approved, all four positions would be retitled and the employees in those positions would be reclassified to the new titles.

Applying the Study's compensation results, the current salary steps for Administrative Analyst are comparable to Management Analyst II in our labor market. Therefore, staff recommends that the Administrative Analyst salary steps be applied to the Management Analyst II, and that a five-step salary structure be created for the Management Analyst I classification that is 10% below the current Administrative Analyst compensation. Results also indicate the Administrative Analyst classification is 4.6% over the market average and the Senior Administrative Analyst classification is 1.3% below the market average. Following past practice, the City has consistently considered adjusting only those classifications that are below market. In addition to the labor market survey results, a review of internal relationships and compaction is also conducted. After reviewing all information, staff recommends that the Senior Management Analyst salary steps be increased 1.3%. This will ensure the City attracts and retains talent, and aligns with the goals of the compensation study to remain competitive in the labor market and address internal compensation relationships.

ECONOMIC DEVELOPMENT REORGANIZATION

The City's Economic Development Division has grown significantly in recent years. The Economic Development Manager and a variety of temporary personnel (mostly interns) have increased outreach efforts, services, and assistance to Newark businesses. The impacts of the Division's activities include a more connected small business owners' community; increased knowledge of business practices to sustain and promote small businesses; and other training to assist businesses to prepare for emergencies and respond to urgent safety situations. Outreach efforts have been multilingual, reaching business owners previously unfamiliar with City services. Working with consultants on a variety of topics to recruit businesses to fill retail vacancies, plan for the future of our business community, and support the Chamber of Commerce all lead to a more resilient business community that supports the services the City provides to all community members.

To recognize the highly complex work required of the current Economic Development Manager position, staff recommends reclassifying the position to Deputy Economic Development Director and assign salary range 18, commensurate with the expanded duties of the position and the salary of the City's other deputy director position in the Community Development Department. Also, in recognition of the increasing workload and benefits the City derives from the expansion of services, staff recommends the addition of one FTE Management Analyst I/II to the Economic Development Division. With this addition, the Economic Development Division would have two dedicated full-time employees. A budget amendment would be required to fund the Management Analyst I/II position and the increase in salary resulting from reclassifying the Economic Development Manager to the Deputy Economic

Development Director. A portion of funding would be transferred from the current temporary employee salaries to lower the net cost of these positions, with additional funding needed from the City's unallocated funds.

FISCAL IMPACT

There is sufficient budget in FY 2024 to implement the advancement model for the Equipment/Fleet and Landscape and Parks Maintenance Worker job classifications.

Renaming the classifications of Administrative Analyst to Management Analyst I/II and Senior Administrative Analyst to Senior Management Analyst results in a negligible increase in the City Manager Office personnel budget to adjust the current Administrative Analyst's salary to the closest step in the new Senior Management Analyst classification compensation.

A budget amendment of \$130,000 from General Fund unallocated fund balance is required to increase the Economic Development Division budget to fund the upgrade of the Economic Development Manager to Deputy Economic Development Director and the addition of one full-time equivalent Management Analyst I/II. This increase is net of the \$53,000 temporary personnel budget which will be replaced with the new Management Analyst I/II position. Future years' salaries would be proposed for City Council approval through the regular biennial budget process.

REVIEW AND APPROVAL

Prepared by - Lenka Hovorka, Assistant City Manager

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Resolution

NAME Side Letter

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE EMPLOYEE CLASSIFICATION PLAN TO ADD MULTIPLE CLASS SPECIFICATIONS; APPROVING A SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NEWARK AND THE NEWARK ASSOCIATION OF MISCELLANEOUS EMPLOYEES; AMENDING THE COMPENSATION AND BENEFIT PLAN FOR THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP; AUTHORIZING THE ADDITION AND DELETION OF MULTIPLE POSITIONS TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024; AMENDING THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City conducted a classification and compensation study that included the Maintenance Division, Economic Development Manager, Administrative Analyst and Senior Administrative Analyst classifications; and

WHEREAS, the study showed the Management Analyst class specification is comparable to the City's Administrative Analyst classification in the labor market; and

WHEREAS, offering promotional opportunities through advancement in a classification series supports the City's efforts to maintain a competitive labor market position and accurately classify its employees; and

WHEREAS, the classifications are included in the Management, Supervisory and Professional Employee Group or represented by the Newark Association of Miscellaneous Employees (NAME) pursuant to the Memorandum of Understanding with the City; and

WHEREAS, the City Manager or designee has met and conferred in good faith with the representatives of NAME related to the above matters; and

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to delete two full-time equivalent (FTE) Equipment Mechanic II, two FTE Landscape and Parks Maintenance Worker I, two FTE Landscape and Parks Maintenance Worker II, three (FTE) Administrative Analyst and one FTE Economic Development Manager positions, and add two FTE Equipment Mechanic I/II, four FTE Landscape and Parks Maintenance Worker I/II, three FTE Management Analyst I/II, one Senior Management Analyst and one FTE Deputy Economic Development Director positions; and

WHEREAS, reclassifying the Economic Development Manager and adding a Management Analyst requires a budget amendment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group be amended to delete the classifications of Administrative Analyst, Senior Administrative Analyst and Economic Development Manager, and add the classifications of Management Analyst I/II and Senior Management Analyst with the listed salary steps below, and add Deputy Economic Development Director and assign Salary Range 18, effective July 28, 2023.

BE IT FURTHER RESOLVED that the City Council approves a Side Letter to the Memorandum of Understanding with the City of Newark and the Newark Association of Miscellaneous Employees to delete the classifications of Equipment Mechanic I, Equipment Mechanic II, Landscape and Parks Maintenance Worker I, and Landscape and Parks Maintenance Worker II and add the classifications of Equipment Mechanic I/II, Landscape and Parks Maintenance Worker I/II effective July 28, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to delete two full-time equivalent (FTE) Equipment Mechanic II, two FTE Landscape and Parks Maintenance Worker I, two FTE Landscape and Parks Maintenance Worker II, three FTE Administrative Analyst and one FTE Economic Development Manager positions, and add two FTE Equipment Mechanic I/II, four FTE Landscape and Parks Maintenance Worker I/II, three FTE Management Analyst I/II, one Senior Management Analyst and one FTE Deputy Economic Development Director position.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule to reflect the classifications of Management Analyst I, Management Analyst II, Senior Management Analyst and Deputy Economic Development Director with salaries as follows:

Deputy Economic Development Director – Range 18 \$ 13,899.60 to \$ 16,679.52

Management Analyst series						
		Step 1	Step 2	Step 3	Step 4	Step 5
Management Analyst I	Hourly	\$ 45.91	\$ 48.20	\$ 50.62	\$ 53.15	\$ 55.81
	Biweekly	\$ 3,672.72	\$ 3,856.32	\$ 4,049.28	\$ 4,251.60	\$ 4,464.72
	Annual	\$ 95,490.72	\$100,264.32	\$ 105,281.28	\$ 110,541.60	\$ 116,082.72
Management Analyst II	Hourly	\$ 51.01	\$ 53.56	\$ 56.24	\$ 59.05	\$ 62.01
	Biweekly	\$ 4,080.80	\$ 4,284.80	\$ 4,499.20	\$ 4,724.00	\$ 4,960.80
	Annual	\$106,100.80	\$111,404.80	\$ 116,979.20	\$ 122,824.00	\$ 128,980.80
Senior Management Analyst	Hourly	\$ 60.84	\$ 63.89	\$ 67.08	\$ 70.43	\$ 73.95
	Biweekly	\$ 4,867.37	\$ 5,111.27	\$ 5,366.71	\$ 5,634.51	\$ 5,916.32
	Annual	\$126,551.57	\$132,893.07	\$ 139,534.51	\$ 146,497.31	\$ 153,824.32

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 as follows:

TO:	110.50.051.510.5110	Economic Development Division Salaries	\$183,000
FR:	110.50.051.510.5120	Part-Time Temporary Salaries	\$ 53,000
FR:	110.3000	Unallocated Fund Balance	\$130,000



To: Newark Association of Miscellaneous Employees (NAME) Executive Board

From: David Benoun, City Manager
Lenka Hovorka, Assistant City Manager

Date: July 27, 2023

This will serve as a side letter to the City of Newark (City) and the Newark Association of Miscellaneous Employees (NAME) July 1, 2022- June 30, 2025 Memorandum of Understanding (MOU). The purpose of this side letter is to address advancement opportunities within class families to recruit and retain talent. This side letter will become effective upon approval by the City Council.

Throughout the Name MOU, replace "Equipment Mechanic I" and "Equipment Mechanic II" with "Equipment Mechanic I/II"; and replace "Landscape and Parks Maintenance Worker I" and "Landscape and Parks Maintenance Worker II" with "Landscape and Parks Maintenance Worker I/II".

Dated: _____

For the City of Newark:

For the Newark Association of Miscellaneous Employees:

David J. Benoun, City Manager

Jackson Posadas, President





STAFF REPORT

Item D. 9.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Jayson Imai, Assistant City Engineer
SUBJECT Adopt a resolution finding that emergency conditions exist that do not permit a delay resulting from a competitive solicitation for bids and authorizing the City Manager to take necessary action to negotiate and award an emergency construction contract and expenditure for the repair of a roadway sinkhole and storm drain on Smith Avenue and amendment of the 2022-2024 Biennial Budget for Fiscal Year 2024; exempt from CEQA review per CEQA Guidelines Section 15301

SUMMARY AND RECOMMENDATION

The formation of a roadway sinkhole on Smith Avenue directly fronting Birch Grove Primary Elementary School has created emergency conditions that will not permit a delay resulting from a competitive solicitation for bids and necessitates action to negotiate and award an emergency construction contract and expenditure for a roadway sinkhole and storm drain repair.

Staff recommends that the City Council adopt a resolution finding that emergency conditions exist as a result of the damage to the storm drain and roadway on Smith Avenue fronting Birch Grove Primary Elementary School and that substantial evidence exists that the emergency conditions will not permit a delay resulting from a competitive solicitation of bids and that action is necessary to respond to the emergency conditions in order to safeguard life, health and property. The proposed resolution authorizes the City Manager to negotiate and award an emergency construction contract necessary for the repair and provides for a budget amendment that is necessary for the repair work to be completed.

BACKGROUND

Damage to the storm drain main along Smith Avenue has eroded the surrounding roadway subgrade, causing a sinkhole to form directly adjacent to Birch Grove Primary Elementary School. Substantial evidence indicates that these conditions constitute an emergency of further potential damage to infrastructure that requires immediate attention which will not permit a delay resulting from a competitive solicitation of bids.

In addition to the threat to infrastructure, the City will seek to complete the necessary repairs prior to the start of the school year in order to avoid the potential logistical challenges with mobilizing and completing the work in a timely manner with the increased school traffic at Birch Grove Primary Elementary School.

The City of Newark's Purchasing Ordinance and the Public Contract Code generally require that public projects be awarded by competitive bid absent a qualifying emergency pursuant to Public Contract Code (PCC) section 22050. Following the formal bidding process will result in significant delays for the work required to repair the storm drain main and roadway, causing public health and safety concerns as a result of further potential damage to infrastructure as a result of existing conditions.

DISCUSSION/ANALYSIS

Pursuant to PCC section 22050, a public works contract may be awarded without competitive bidding provided that the legislative body makes a finding, by four-fifths vote, that an emergency, as defined by PCC section 1102, exists. This requires an emergency would mean that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property pursuant to PCC section 20168. Substantial evidence indicates that the sinkhole and damaged storm drain on Smith Avenue constitute an emergency that requires immediate attention which will not permit a delay resulting from a competitive solicitation of bids. In order to prevent further damage to infrastructure and safeguard life, health and property, staff recommends that the City Council make the necessary findings and adopt the proposed resolution which authorizes the City Manager to negotiate and enter into an emergency construction contract for the necessary repairs without competitive bidding and amends the budget.

PCC section 22050 further requires that if the City Council adopts a resolution finding that an emergency exists, a report shall be provided at each subsequent regularly scheduled City Council meeting thereafter on the status of the actions related to the emergency expenditure until the emergency action is terminated. Any continuation of the emergency action would be subject to a four-fifths vote of the City Council.

FISCAL IMPACT

Staff recommends amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to allocate \$80,000 of Capital Improvement Fund Reserves to Smith Avenue Sinkhole Repairs, Project No. 1358. The recommended allocation accounts for the estimated costs of the repairs as well as contingency for any additional unforeseen construction costs necessary to complete the work.

ENVIRONMENTAL/PLANNING COMMISSION REVIEW

The repair and maintenance of existing facilities is categorically exempt under the California Environmental Quality Act (CEQA) section 15301 (Existing Facilities).

REVIEW AND APPROVAL

Prepared by - Jayson Imai, Assistant City Engineer

Reviewed by - Soren Fajeau, Public Works Director

Reviewed by - Gloria del Rosario, Accounting Manager

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Sinkhole Emergency Resolution

RESOLUTION NO.

RESOLUTION TO FIND THAT EMERGENCY CONDITIONS EXIST THAT DO NOT PERMIT A DELAY RESULTING FROM A COMPETITIVE SOLICITATION FOR BIDS FOR NECESSARY WORK TO PERFORM SINKHOLE AND STORM DRAIN REPAIRS ON SMITH AVENUE; TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND AWARD AN EMERGENCY CONSTRUCTION CONTRACT; AND APPROVING AN AMENDMENT OF THE 2022-2024 BIENNIAL BUDGET FOR FISCAL YEAR 2023-2024

WHEREAS, damage to the storm drain main along Smith Avenue has eroded the surrounding roadway subgrade, causing a sink hole to form directly adjacent to Birch Grove Primary Elementary School; and

WHEREAS, the Public Works Director has evaluated the damage on Smith Avenue and determined that absent immediate repairs, further damage to infrastructure may occur, jeopardizing public safety and property; and

WHEREAS, immediate repairs are necessary to safeguard life, health and public safety; and

WHEREAS, the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby finds that the above recitals are true and accurate and hereby incorporated by reference.

BE IT FURTHER RESOLVED that the City Council finds, by a four-fifths vote, that an emergency pursuant to Public Contract Code section 22050 exists based on substantial evidence set forth herein and in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that this action is necessary to respond to the emergency.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to negotiate and award an emergency construction contract, without letting competitive bids and in a form approved by the City Attorney, to a responsible contractor..

BE IT FURTHER RESOLVED that the City Manager or designee is authorized and empowered to execute on behalf of the City of Newark all documents and take any actions necessary to accomplish such emergency repairs on Smith Avenue and effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan to allocate \$80,000 of Capital Improvement Funds to project account 1358 as follows:

	<u>Account</u>	<u>Description</u>	<u>Amount</u>
TO:	610.90.094.940.6221.CIP1358	Smith Avenue Sink Hole Repairs	\$80,000
FR:	610.3000	Unappropriated Fund Balance	\$80,000



STAFF REPORT

Item E. 1.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Art Interiano, Deputy Community Development Director
SUBJECT Hearing to consider adoption of a resolution approving Development Impact Fee amendments to the Master Fee Schedule for Fiscal Year 2024

SUMMARY AND RECOMMENDATION

The City's development impact fees are contained within the City's Master Fee Schedule (MFS). Development impact fees are imposed upon projects for the purpose of mitigating the impacts that the projects have on the city's ability to provide public facilities. Typically, yearly updates to the development impact fees are included in the annual update to the MFS. However, this year, as a result of a comprehensive fee study, the MFS is undergoing an extensive update and is expected to be presented to City Council within the next few months. The development impact fees are subject to annual increase pursuant to the Council Resolutions authorizing the fees. Development impact fees are typically increased annually, based on the Engineering News Record Construction Cost Index.

Staff recommends that the City Council, by resolution, approve an amendment to the Master Fee Schedule (MFS) for Fiscal Year 2024 to reflect updated development impact fees.

BACKGROUND

Staff annually reviews and analyzes rates and charges for providing City services and incorporates these rates into the City's MFS. In terms of development impact fees, the City Council approved each fee with provisions in their respective resolutions that required an annual increase based on the Engineering News Record Construction Cost Index. The development impact fees provide funding for various projects in the City and are essential to providing continuing services to the community. A brief description of the development impact fees that staff recommends for an increased as part of this amendment are as follows:

- **Public Safety Facilities Fee:** This fee provides funding for additional or improved police and fire services for which the need is generated by new development within the City.
- **Community Service Facilities/Facilities Fee:** This fee provides funding for additional or improved governmental, social, and cultural facilities for which the need is generated by new development within the City.
- **Transportation Facilities Fee:** This fee provides funding for additional or improved

traffic signal, operational, and infrastructure improvements for which the need is generated by new development within the City.

- Park Impact Fee: This fee provides funding for parkland and new improvements.
- Residential Development Housing Impact Fee: This fee provides funding to increase and improve the supply of housing affordable to households of very low, low, and moderate incomes for which the need is generated by new commercial, residential and industrial development within the City.

DISCUSSION/ANALYSIS

Development impact fees account for a major source of revenue for city projects such as street improvements, providing affordable housing, and improvements to city parks. The development impact fees were approved through Resolutions 10,505, 10,633, 10,634, 10,635, and 10,184 and are contained within the MFS in the Construction Enterprise Fund section. The proposed changes include fee increases based on the Engineering News Record Cost Construction Index as of May 2023. The proposed adjustments would increase the Park, Capital Facilities, Community Services/Facilities, Transportation, and Housing Impact Fees by 1.8%. If approved, all applicable development impact fees will be increased and will go into effect 60 days after adoption of the resolution. The proposed changes are attached to this report as Exhibit A.

Staff recommends that the Council amend only those sections of the MFS that staff is suggesting to be changed. The changes will then be editorially merged with the unchanged portions of the Master Fee Schedule as last amended by the City Council in Resolution No. 11354 on May 26, 2022.

FISCAL IMPACT

The development impact fees collected reflect the cost to mitigate the impacts that development projects have on the city's ability to provide public facilities. The fees collected are placed into the respective budget accounts.

REVIEW AND APPROVAL

Prepared by - Art Interiano, Deputy Community Development Director

Reviewed by - Steven Turner, Community Development Director

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Exhibit A- Fee Changes

MFS Impact Fee Reso



EXHIBIT A

SUMMARY OF PROPOSED CHANGES

V. CONSTRUCTION ENTERPRISE FUND

- The proposed adjustments increase the Park Impact, Capital Facilities, Community Service/Facilities, Transportation, and Housing Impact Fees by 1.8% based on the Engineering News Record Construction Cost Index per Resolutions, 10,505, 10,633, 10,634, 10,635 and 10,184, respectively.

Enterprise Fund - Cost Center	Account No.	Description	Fee (in dollars)
V. CONSTRUCTION ENTERPRISE FUND			
A. DEVELOPMENT			
624.00.000.000	4143	2. Park Impact Fee **	
		a. Projects without Land Dedicated for Parks	
		(1) Single-Family	~~30,580~~ 31,130.44/dwelling unit
		(2) Multi-Family Units	~~22,018~~ 22,414.32/dwelling unit
		b. Projects that Dedicate Land for Parks	
		(1) Single-Family	~~9,174~~ 9,339.13/dwelling unit
		(2) Multi-Family Units	~~6,483~~ 6,599.69/dwelling unit
		** Established by Resolution No. 10,132 and amended by Resolution 10,505. The above fees are effective as of August 8, 2016. Resolution 10,505 also requires the fee to be adjusted annually by the Engineering News Record Construction Cost Index, San Francisco, California.	
		620.00.000.000	4144
a. Public Safety ¹			
(1) Single-family residential	~~4,222~~ 4,298/unit		
(2) Townhome	~~4,222~~ 4,298/unit		
(3) Multi-family residential	~~2,533~~ 2,578.59/unit		
(4) Office/Commercial	~~.74~~ .75/square foot		
(5) Manufacturing/Research & Development	~~.31~~ .32/square foot		
(6) Warehousing/Distribution	~~.61~~ .62/square foot		
621.00.000.000	4144	b. Community Service/Facilities ¹	
		(1) Single-family residential	~~2,827~~ 2,877.89/unit
		(2) Townhome	~~2,827~~ 2,877.89/unit
		(3) Multi-family residential	~~1,414~~ 1,439.45/unit
		(4) Office/Commercial	~~1.05~~ 1.07/square foot
		(6) Warehousing/Distribution	~~.44~~ .45/square foot
A. DEVELOPMENT, Continued			
622.00.000.000	4144	c. Transportation ¹	
		(1) Single-family residential	~~6,084~~ 6,193.51/unit
		(2) Townhome	~~3,163~~ 3,219.93/unit



Enterprise Fund - Cost Center	Account No.	Description	Fee (in dollars)
		(3) Multi-family residential	~~3,772~~ 3,839.90/unit
		(4) Office/Commercial	~~5.39~~ 5.49/square foot
		(5) Manufacturing/Research & Development	~~2.95~~ 3.00/square foot
		(6) Warehousing/Distribution	~~5.89~~ 6.00/square foot
		* Established by Resolution No. 8051 and amended by Resolutions No. 9253, 10,633 ¹ , 10,634 ¹ , and 10,635 ¹	
623.00.000.000	4144	4. Housing	
		a. Residential Housing Impact Fee* (revised annually)	
		(1) First 1,000 sq. ft. floor area/unit**	~~24.51~~ 24.95/square foot
		(2) All sq. ft. over 1,000 sq. floor area/unit	~~9.82~~ 10.00/square foot
		* Established by Resolution No. 10,184. Floor area for a residential development equals the sum of the horizontal floor areas of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, excluding garages, carports, and common areas.	
		** No housing impact fee is charged for the first 200 sq. ft. of floor area for additions to existing dwellings.	
		b. Non-Residential Housing Impact Fee *** (revised annually)	
		(1) Commercial	~~4.40~~ 4.48/square foot
		(2) Industrial	~~.83~~ .84/square foot
		*** Established by Resolution No. 8802. Floor area for a commercial development equals the sum of the horizontal floor areas of the a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings. Where no walls exist, the floor area is the area covered by the roof excluding two feet on each side of the structure. Outside areas used for sales or display (such as nurseries, building materials, auto sales, etc.) may be considered part of floor area when the community development director determines that the use of the outside area significantly contributes to the employee density of the building.	



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING THE MASTER FEE SCHEDULE FOR
FISCAL YEAR 2024

WHEREAS, the City Council of the City of Newark is authorized to prescribe and establish fees in regard to services or functions performed by the City for the public in a governmental and proprietary capacity; and

WHEREAS, the City Council desires to update currently established fees to cover inflation and City costs, which form the basis for the changes; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018; and

WHEREAS, the City Council of the City of Newark has, from time to time, established fees by resolution for services as authorized pursuant to the Newark Municipal Code, most recently on May 26, 2022 by Resolution No. 11,354.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend those portions of the City of Newark Master Fee Schedule as set forth in Exhibit "A," attached hereto and incorporated herein by this reference and made part hereof as though set forth at length for Fiscal Year 2024.

BE IT FURTHER RESOLVED that the amendments to the City of Newark Master Fee Schedule will not become effective until 60 days after adoption of this Resolution.



STAFF REPORT

Item E. 2.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Neal Hornbeck, Assistant Maintenance Superintendent
SUBJECT Hearing to consider property owners' objections and adopt a resolution confirming the Superintendent of Streets' Report concerning weed abatement assessments

SUMMARY AND RECOMMENDATION

The City of Newark conducts an annual weed abatement program as a fire prevention measure. This is a combined effort between the City's Maintenance Division and the Alameda County Fire Department Fire Prevention staff. Vacant properties with the potential for extensive weed growth are typically included in the program and property owners have the option to either complete the weed abatement work themselves or have the work completed by a City contractor. On May 25, 2023, the City Council directed the Superintendent of Streets to abate weeds on 121 parcels of land. Following notification, property owners cleared 108 parcels and the remaining 13 parcels were cleared by the City's contractor. The properties cleared by the City's contractor have a resulting range of assessments between \$432 and \$4,752. The combined total for all assessments was \$21,492.

Staff recommends that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2023 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets Report concerning weed abatement assessments.

BACKGROUND

The City of Newark conducts an annual weed abatement program to abate weeds on vacant properties that are not properly maintained by property owners to the satisfaction of Alameda County Fire Department (ACFD) Fire Prevention staff. The program is authorized by, and conducted pursuant to, Government Code Sections 39560, et seq. The abatement work typically consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and to removal debris to facilitate tractor work. Property owners have the option to make their own arrangements for weed and debris removal. All properties on which the City performs the abatement work would be assessed the full cost of that work, including administrative costs. Administrative costs are 20% of the cost of the weed abatement services pursuant to the adopted Master Fee Schedule. Prior to abatement, there were approximately 121 industrial, residential and commercial parcels that have large areas of vacant ground with regular seasonal weed growth that could have developed into a fire hazard if not

properly maintained.

DISCUSSION/ANALYSIS

The Superintendent of Streets' report on the 2023 Weed Abatement Program is submitted pursuant to Resolution No. 11497 adopted by the City Council on April 27, 2023. The report showing the assessments for the fall 2022 and the spring 2023 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing. As of July 12, 2023, no written objections have been received. On May 25, 2023, the City Council directed the Superintendent of Streets to abate weeds on 121 parcels of land. Following notification, private property owners cleared 108 parcels and the City's contractor cleared 13 parcels. This year, the assessments ranged from \$432 to \$4,752. The lowest cost is for a vacant property that required minimal work. The highest cost was for a property that required extensive tractor work. There were no additional supplemental lot clearings for the 2022 fall abatement work included in this year's assessments. The combined total for all assessments, including administrative fees, was \$21,492. All work completed through the 2023 Weed Abatement Program is paid for through the proposed assessments.

FISCAL IMPACT

There is no net fiscal impact. The 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023 provide sufficient funding for the 2023 Weed Abatement Program.

REVIEW AND APPROVAL

Prepared by - Neal Hornbeck, Assistant Maintenance Superintendent

Reviewed by - Soren Fajeau, Public Works Director

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Resolution Weed Abatement
Exhibit A

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING THE REPORT OF THE
SUPERINTENDENT OF STREETS CONCERNING WEED
ABATEMENT ASSESSMENTS AND APPROVING SPECIAL
ASSESSMENTS

WHEREAS, the City Council of the City of Newark, by Resolution No. 11497, ordered certain rubbish, refuse, dirt, and weeds to be abated in the manner provided by Sections 39560 and 39586 inclusive, of the Government Code of the State of California; and

WHEREAS, the Superintendent of Streets has caused said rubbish, refuse, dirt, and weeds to be abated. Nuisances abated and an accounting of the cost of abatement in front of or on each separate parcel of land has been set forth in a report entitled “Exhibit A – 2023 City of Newark Weed Abatement – Total Assessments” and attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the report of the Superintendent of Streets attached hereto and made a part hereof as Exhibit A is hereby confirmed.

BE IT FURTHER RESOLVED that the cost of abating the nuisance for each respective parcel is set forth in said report under the column entitled “Total Assessment”.

BE IT FURTHER RESOLVED that there is hereby levied a special assessment against each parcel of land described in said report in the amount of \$21,492 as shown in said column “Total Assessment”.

BE IT FURTHER RESOLVED that the costs levied as a special assessment against the parcels of land described in said report shall become a lien upon the property.

EXHIBIT A

**2023 City of Newark Weed Abatement
TOTAL ASSESSMENTS**

MAP NO.	APN	LOCATION	Total Assessment (\$)
3,3.1,3.2	092-0131-001-09	Filbert St at Snow	1,296
11	092-0041-008-03	SP Railroad Property	3,132
15	537-0460-007-25	6953 Jarvis Ave	1,080
28	92A-2300-006-12	38403 Cherry St	2,592
34-34.5	092-0126-019-00	SMCTD RR ROW	4,752
35	537-0852-001-02	8787 Enterprise Dr	2,592
36	092-0115-011-00	37445 Willow St	1,944
45	092-0125-010-00	7843 Railroad Ave	648
63	092A-0623-043-00	36589 Newark Blvd	432
65	092-0127-013-00	Walnut St Corner Lot	648
68	092-0140-006-00	8333 Enterprise Dr	648
71	092-0100-011-03	Thornton Ave	1,296
72	092-0052-004-00	Thornton Ave	432
TOTAL			\$21,492



STAFF REPORT

Item F. 1.

DATE 07/27/2023
TO Honorable Mayor and City Council Members
FROM Kristopher Kokotaylo, City Attorney
SUBJECT Resolution approving an amendment to the Employment Agreement with City Manager David J. Benoun to serve as City Manager and an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024

SUMMARY AND RECOMMENDATION

David J. Benoun has served as City Manager since December 29, 2018 pursuant to an employment agreement that was previously authorized by the City Council. The employment agreement was previously amended effective July 1, 2022. Beginning fiscal year 2022-23, the City Council began the process of conducting a City Manager performance review and labor negotiations related to terms and conditions of employment with Mayor Hannon serving as the labor negotiator on behalf of the City. Following that process, the City Council authorized the City Attorney to prepare an amendment to the employment agreement. The City Attorney recommends that the City Council adopt a resolution approving an amendment to the City Manager's employment agreement following labor negotiations with the City Manager.

BACKGROUND

The City Council appointed David J. Benoun to serve as the City Manager of Newark beginning December 29, 2018 pursuant to a City Council-approved employment agreement (the "Agreement"). The Agreement established Mr. Benoun's initial annual base salary at \$244,092 per year. The City Council has conducted annual performance evaluations of Mr. Benoun since his initial appointment and previously approved an amendment to the Agreement effective July 1, 2022 (the "First Amendment") to approve a merit increase.

DISCUSSION/ANALYSIS

Beginning fiscal year 2022-23, the City Council began the annual City Manager performance evaluation for David Benoun. The City Council also initiated the labor negotiations process, with Mayor Hannon designated as the City's labor negotiator, to consider a potential merit increase pursuant to the terms and provisions of the Agreement. The City Council has had an opportunity to consider a potential merit increase for Mr. Benoun.

The City Attorney has prepared an amendment to the Agreement which establishes a 5% merit increase in annual base salary in addition to a 3% general salary increase,

effective as of July 1, 2023. This increase is designed to address positive performance, inequity with the labor market, and internal compaction. Mr. Benoun has received one merit increase during his 4+ year tenure as City Manager. A salary survey prepared in July 2023 reveals that City Manager Benoun's compensation is currently 8% below market when factoring in the 3% general salary increase. When factoring in the proposed merit increase, Mr. Benoun would still be 3.4% below market. Market is considered the average salary of the City Managers in the following cities: Foster City, Fremont, Hayward, Livermore, Menlo Park, Milpitas, Pleasanton, Redwood City, San Leandro, and Union City.

Related to compaction, the City Manager's salary is currently below the Police Chief. With the proposed 5% merit increase, the City Manager's salary will be slightly higher than the Police Chief. The reason for the compaction is primarily related to unique compensation provided to all sworn employees (including the Police Chief) in the City. The City Manager does not have similar compaction considerations related to other Department Head positions.

FISCAL IMPACT

If approved by Council, the 2022-2024 Biennial Budget and Capital Improvement Plan will require a budget adjustment of \$34,000 to reflect a 5% merit increase to the current base salary and including pension costs. The future fiscal year impacts will be included as part of the regular budget process.

REVIEW AND APPROVAL

Prepared and Approved by - Kristopher J. Kokotaylo, City Attorney

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution Benoun Amendment 2

Exhibit 1 Amendment 2 Benoun Agreement

Benoun Agreement

Benoun Agreement Amendment 1

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AN AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT WITH DAVID J. BENOUN; APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5; AND APPROVING AN AMENDMENT TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024

WHEREAS, the City Council appointed David J. Benoun ("Benoun") to serve as the City Manager of Newark effective as of December 29, 2018; and

WHEREAS, the City and Benoun entered into an employment agreement (the "Employment Agreement"); and

WHEREAS, under the terms of the Employment Agreement, Benoun's initial annual base salary was set at \$244,092 per year; and

WHEREAS, the City Council previously approved an amendment to the Employment Agreement authorizing a merit increase to Benoun's base salary effective July 1, 2022 (the "First Amendment"); and

WHEREAS, the City Council has conducted annual performance evaluations of Benoun since his initial appointment as City Manager; and

WHEREAS, following the conclusion of Benoun's most recent performance evaluation, the City Council designated Mayor Hannon as labor negotiator to discuss a merit increase for Benoun; and

WHEREAS, the City Council has had an opportunity to consider a potential merit increase for Benoun; and

WHEREAS, the City Council desires to provide Benoun with a five percent (5%) merit increase in annual base salary, effective as of July 1, 2023; and

WHEREAS, Benoun has and will continue to receive cost of living general salary increases equal to the amounts provided to classifications that participate in the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group, as provided for by the Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark as follows:

1. The above recitals are true and correct and are incorporated herein.

2. The City Council approves an amendment to the Employment Agreement substantially in the form attached hereto as **Exhibit “1,”** and authorizes Mayor Hannon to execute the amendment on behalf of the City, in a form approved by the City Attorney.

3. The City Council hereby approves an amendment to the City’s Salary Schedule to reflect the revisions in compensation provided pursuant to the MOU, effective July 1, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 as follows:

TO:	110.20.020.200.5110	City Manager’s Office Salaries	\$34,000
FR:	110.3000	Unallocated Fund Balance	\$34,000

**AMENDMENT NO. 2 TO CITY OF NEWARK
CITY MANAGER EMPLOYMENT AGREEMENT**

THIS AMENDMENT to the Employment Agreement (“Amendment”) is made by and between THE CITY OF NEWARK (“CITY”) and DAVID J. BENOUN (“BENOUN”) (collectively the “PARTIES”) as of July 1, 2023.

RECITALS

1. The PARTIES entered into an Employment Agreement (“Agreement”), effective December 29, 2018, under which BENOUN would serve as the City Manager of the CITY; and
2. The PARTIES entered into Amendment No. 1 to the Agreement, effective July 1, 2022 (the “First Amendment”); and
3. The purpose of this Amendment is to provide for a merit increase to BENOUN’s salary effective as of July 1, 2023.

AGREEMENT

Section 1 **General Provisions.**

The foregoing Recitals are true and correct and incorporated herein by reference.

Section 2 **Increase of Compensation Pursuant to Section V(d) and Amendment of Section V(a).**

Pursuant to Section V(d) of the Agreement, BENOUN shall receive a 5% merit increase in base salary and Section V (a) of the Agreement shall be amended as follows:

Commencing July 1, 2023, the base salary for BENOUN shall be the sum of \$27,036.10 per month (\$324,433.20 per year), which sum shall be payable in installments at the same time as other employees of the CITY are paid and subject to customary withholdings and shall reflect a 5% merit increase and a 3% general salary increase provided to employees in the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group which are in addition to prior merit and general salary increases.

Section 3 **Effect of this Second Amendment**

Except as the Agreement, as previously modified by the First Amendment, has been expressly modified by the Amendment, the Agreement shall continue in full force and effect according to its terms.

IN WITNESS WHEREOF, the PARTIES hereto have hereunto affixed their signatures as of the date and year first above written.

CITY OF NEWARK

By: _____
MICHAEL K. HANNON
Mayor

ATTEST:

SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

KRISTOPHER J. KOKOTAYLO
City Attorney

DAVID J. BENOUN
City Manager

RESOLUTION NO. 10873

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPOINTING DAVID J. BENOUN AS CITY
MANAGER EFFECTIVE DECEMBER, 29, 2018, AND
AUTHORIZING MAYOR NAGY TO EXECUTE A CITY
MANAGER EMPLOYMENT AGREEMENT

WHEREAS, on September 13, 2018, City Manager John Becker provided his resignation to the City of Newark, effective December 28, 2018; and

WHEREAS, the City Council met in closed session to consider the appointment of a new City Manager, including Mr. David J. Benoun, the current City Attorney. After an interview with Mr. Benoun, the City Council offered Mr. Benoun the position of City Manager, and he accepted; and

WHEREAS, the City Council appointed Mayor Nagy to meet with Mr. Benoun to negotiate an employment agreement. Mayor Nagy evaluated executive compensation within the City and compensation of city managers in Alameda County and comparable cities. Mayor Nagy also considered the City Council's opinion of Mr. Benoun's prior work and experience with the City. As a result of those factors and contract negotiations, Mayor Nagy recommended a City Manager Employment Agreement to the City Council; and

WHEREAS, the City Council desires to execute an employment agreement with Mr. Benoun that establishes the terms and conditions of his employment as City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark as follows:

1. The City Council hereby appoints David J. Benoun as City Manager of the City of Newark, effective December 29, 2018, pursuant to the Newark Municipal Code and the terms of the attached City Manager Employment Agreement.

2. The City Council hereby approves the City Manager Employment Agreement between the City of Newark and David J. Benoun, substantially in the form attached hereto as **Exhibit "1,"** and authorizes Mayor Nagy to execute the Agreement on behalf of the City, as approved by Special Counsel.

3083085.1

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on December 13, 2018, by Council Member Bucci who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Council Members Bucci, Collazo, Freitas, Vice Mayor Hannon, and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Vice Mayor Hannon

APPROVED:



s/ALAN L. NAGY

Mayor

ATTEST:



s/SHEILA HARRINGTON

City Clerk

APPROVED AS TO FORM:



s/KRISTOPHER KOKOTAYLO

Legal Counsel

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective this 29th day of December, 2018, by and between THE CITY OF NEWARK ("CITY") and DAVID J. BENOUN ("BENOUN") (collectively the "PARTIES").

RECITALS

Whereas, CITY currently employs BENOUN as City Attorney;

Whereas, City Council, as appointing authority, desires to employ BENOUN as City Manager, starting December 29, 2018; and BENOUN desires to serve in such capacity; and

Whereas, the City Council and BENOUN desire to agree in writing on the terms and conditions of employment.

NOW THEREFORE, in consideration of the mutual covenants, promises, and representations hereinafter set forth, the PARTIES hereto do now agree as follows:

SECTION I
DUTIES

(a) CITY hereby agrees to employ BENOUN, commencing December 29, 2018, as City Manager of the CITY to perform the functions and duties specified by the general laws of the State of California and by the Newark Municipal Code and other ordinances and resolutions of CITY, and to perform other legally permissible and proper duties and functions as Council may from time to time assign.

(b) CITY currently employs BENOUN as City Attorney. On December 29, 2018, BENOUN shall vacate the Office of City Attorney and shall immediately commence his duties as City Manager on that day.

(c) BENOUN agrees to devote his productive time, ability, and attention to the CITY's business during the term of this Agreement. BENOUN shall not hold secondary employment, and shall be employed exclusively by the CITY. However, the CITY recognizes that BENOUN may actively participate in community affairs and shall be permitted to volunteer time, energy and expertise, and from time-to-time, to serve and hold office in charitable, non-profit, public service, service club, religious, and/or community area organizations. In addition this Agreement shall not be construed to preclude incidental and occasional adjunct teaching, writing, or consulting performed by BENOUN.

SECTION II
TERM

The term of this Agreement shall be from the date approved by the City Council until terminated by either party in accordance with the provisions of Section III. BENOUN shall serve at the pleasure of the City Council.

The PARTIES recognize and affirm that: 1) BENOUN is an "at will" employee whose employment may be terminated by the CITY with or without cause; 2) there is no express or implied promise made to BENOUN for any form of continued employment; and 3) this Agreement is the sole and exclusive basis for an employment relationship between BENOUN and CITY.

SECTION III TERMINATION OF EMPLOYMENT AND SEVERANCE

City Manager is an at-will employee serving at the pleasure of the City Council as provided in Government Code Section 36506. The position of City Manager is a Fair Labor Standards Act ("FLSA")-exempt position. BENOUN's employment as City Manager may be terminated by one of the following means:

- (a) Voluntary Resignation: BENOUN may voluntarily resign by delivering a letter of resignation to the City Council not less than 60 days prior to the effective date of resignation.
- (b) Termination or Forced Resignation by City Council: The City Council may terminate the employment of BENOUN in accordance with the Newark Municipal Code and State law, by giving written notice not less than 60 days prior to the effective date of termination, or by causing BENOUN's resignation by a majority of the City Council requesting BENOUN to resign and BENOUN then volunteering to resign after such action by the City Council. If BENOUN is terminated from employment or caused to resign, he shall be entitled to the benefits of subparagraph (c).
- (c) Severance: In the event BENOUN is terminated from employment by the City Council or is caused to resign by the City Council pursuant to subsection (b) above, and contingent upon BENOUN's execution of a comprehensive general release and waiver of all claims of any nature, known or unknown, by BENOUN against CITY, BENOUN shall be entitled to six (6) month's severance pay of his annual total compensation, including salary and the value of his benefits. In no event will BENOUN be entitled to a severance agreement absent execution of a comprehensive general release and waiver of claims. Such severance shall be paid in full upon the effective date of his termination. BENOUN may elect to receive continued medical/health insurance benefits, in lieu of cash payment for equivalent value thereof.
- (d) Abuse of Office: Pursuant to Government Code section 53243.2, any cash settlement related to the termination of this Agreement received by BENOUN from CITY shall be fully reimbursed to CITY if BENOUN is convicted of a crime involving an abuse of his office or position as defined in California Government Code section 53243.4.

SECTION IV DISABILITIES

If BENOUN is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) successive weeks beyond any accrued sick leave, CITY shall have the option to terminate this Agreement, subject to the severance pay requirements of Section III, Paragraph (b).

SECTION V
COMPENSATION

- (a) Commencing December 29, 2018, the base salary for BENOUN shall be the sum of \$20,341 per month (\$244,092 per year), which sum shall be payable in installments at the same time as other employees of the CITY are paid and subject to customary withholdings.
- (b) BENOUN is a salaried employee and is exempt from the FLSA.
- (c) BENOUN, as City Manager, shall participate in the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group (hereinafter "The Plan"). BENOUN shall receive salary increases as the CITY may from time to time confer pursuant to The Plan.
- (d) The City Council may also from time to time, at its sole discretion, grant merit increases to BENOUN following each evaluation of BENOUN's performance as described in Section VII.
- (e) BENOUN shall receive the benefits of a "Classic" employee as that term is defined in Section VI of The Plan.

SECTION VI
HEALTH INSURANCE, DEFERRED COMPENSATION, AUTOMOBILE ALLOWANCE,
HOLIDAYS, LEAVE, AND OTHER BENEFITS

- (a) For the purposes of general leave and management leave allocations and receiving deferred compensation, health insurance benefits, life insurance payments, automobile allowance, and such other similar benefits, BENOUN shall be considered a member of the Executive Management Team as identified in Section II of the Plan and shall receive existing benefits under The Plan, as may be adjusted from time to time, including, but not limited to:
 - i. A contribution from CITY of 6% of earnings towards a 401(A) plan pursuant to Section V of The Plan (or any successor thereto);
 - ii. A monthly contribution of \$100 towards a Retirement Health Savings Plan pursuant to Section V of the Plan (or any successor thereto)
 - iii. Health and Welfare Benefits under Section VII of The Plan (or any successor thereto);
 - iv. CITY-paid life insurance coverage of \$20,000 pursuant to Section VIII of The Plan (or any successor thereto);
 - v. Automobile allowance of \$400 per month pursuant to Section XI of The Plan (or any successor thereto);
 - vi. Holidays, General Leave, Bereavement Leave, Birthday Leave, and Recreation Benefits awarded under The Plan.
- (b) Any benefits BENOUN earned or accrued as a CITY employee prior to entering into this Agreement, including General Leave and Management Leave, shall not be affected by this Agreement.

- (c) In recognition of extra hours of work required in the performance of his duties in which no form of overtime pay is provided, BENOUN shall receive an annual allotment of 56 hours per year of Management Leave during the Term of this Agreement as provided to participants of The Plan; unless otherwise agreed to by the Parties.
- (d) For Fiscal Year 2018-2019 and in recognition of the number of extra hours of work performed in connection with the transition from City Attorney to City Manager, BENOUN shall receive a one-time additional allocation of 45 hours of Management Leave, thereby increasing Management Leave for FY 2018-2019 to 101 hours.

SECTION VII EVALUATION OF PERFORMANCE

The City Council shall review and evaluate the performance of BENOUN at least annually or at other times chosen by the Council in its sole discretion. Said review and evaluation shall be in accordance with specific criteria developed by the Council with consultation from BENOUN. Said criteria may be added to or deleted from as the Council may from time to time determine, in consultation with BENOUN. Further, the Council shall provide BENOUN with a summary written statement of the findings of the Council and provide an adequate opportunity for BENOUN to discuss his evaluation with the Council.

The City Council and BENOUN shall, no later than March 31, 2019, meet to define such goals and performance objectives which they determine necessary for the proper operations of the CITY and in the attainment of the Council's policy objectives, and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be reasonably attainable within the time limitations as specified in the annual operating and capital budgets and appropriations provided. They shall be reviewed within 90 days of defining such goals and performance objectives. Annually thereafter (or at any time agreed to by the PARTIES), Council and BENOUN shall meet to engage in the same discussion.

SECTION VIII PHYSICAL EXAMINATION

It is recognized to be in the best interest of both PARTIES that BENOUN maintain good health and the physical ability to fulfill his duties as City Manager. To this end, the City will pay the cost of one complete physical examination conducted annually by the physician of BENOUN's choice.

SECTION IV PROFESSIONAL DEVELOPMENT

CITY acknowledges its interest in the continuing professional development of BENOUN and agrees to pay reasonable expenses associated with attendance at professional conferences, continuing education, professional memberships, books and dues. This includes, but is not limited to, the League of California Cities, the International City Management Association, and the California City Managers Association. CITY acknowledges BENOUN's right to engage in other professional activities so long as they do not interfere or conflict with BENOUN's duties as City Manager and are done during time in which BENOUN is on leave or during normal nonworking hours.

SECTION X
HOLD HARMLESS AND INDEMNIFICATION

City shall defend, hold harmless, and indemnify BENOUN against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission of BENOUN made in the course of his performance of duties as City Manager. CITY shall pay the amount of any settlement or judgment rendered therefrom, to the extent specified in the California Government Code.

SECTION XI
MISCELLANEOUS

- (a) Binding Agreement: This Agreement shall be binding on the heirs, successors and assigns of the PARTIES.
- (b) The Rights of PARTIES: Unless expressly set forth in this Agreement, nothing in this Agreement shall abrogate any rights, responsibilities, benefits, or privileges to which either party would otherwise be entitled.
- (c) Amendment: This Agreement may be amended only in writing by mutual agreement of the PARTIES.
- (d) State Law: The rights and obligations of the PARTIES shall be governed by the laws of the State of California.
- (e) Abuse of Office: Government Code sections 53243, 53243.1, 53243.2, and 53243.3 are incorporated by this reference as if fully set forth herein.
- (f) Recitals: Recitals are incorporated by reference into this Agreement.
- (g) Failure to Act: Failure to exercise any right or remedy shall not act as a waiver to exercise that right.
- (h) Entire Agreement: This Agreement contains the entire agreement between the PARTIES and supersedes any prior agreement.
- (i) Severability: Should any paragraph, subparagraph, sentence clause or word included in this Agreement be found invalid by a court of competent jurisdiction, the balance of this Agreement shall remain in full force and effect.
- (j) Attorneys' Fees: The prevailing party of any dispute over the terms and conditions of this Agreement is entitled to attorney fees.
- (k) Assignment: This Agreement is not assignable by either CITY or BENOUN.

IN WITNESS WHEREOF, the PARTIES hereto have hereunto affixed their signatures as of the date and year first above written.

CITY OF NEWARK

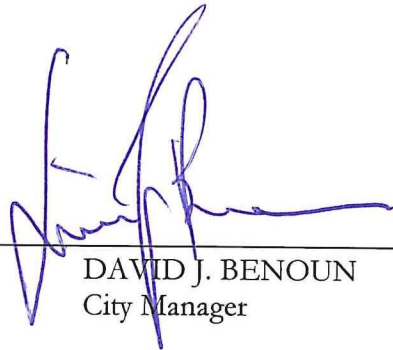
By: 
ALAN L. NAGY
Mayor

ATTEST:


SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:


KRISTOPHER J. KOKOTAYLO, Esq.
Special Counsel


DAVID J. BENOUN
City Manager

3083084.2

RESOLUTION NO. 11,384

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING AN AMENDMENT TO THE CITY
MANAGER EMPLOYMENT AGREEMENT WITH DAVID J.
BENOUN AND APPROVING AN AMENDMENT TO THE
CITY'S SALARY SCHEDULE IN CONFORMANCE WITH
CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION
570.5

WHEREAS, the City Council appointed David J. Benoun ("Benoun") to serve as the City Manager of Newark effective as of December 29, 2018; and

WHEREAS, the City and Benoun entered into an employment agreement (the "Employment Agreement"); and

WHEREAS, under the terms of the Employment Agreement, Benoun's initial annual base salary was set at \$244,092 per year; and

WHEREAS, the City Council has conducted annual performance evaluations of Benoun since his initial appointment as City Manager; and

WHEREAS, following the conclusion of Benoun's most recent performance evaluation, the City Council designated Mayor Nagy as labor negotiator to discuss a merit increase for Benoun; and

WHEREAS, the City Council has had an opportunity to consider a potential merit increase for Benoun; and

WHEREAS, the City Council desires to provide Benoun with a fourteen and seven tenths percent (14.7%) merit increase in annual base salary, effective as of July 1, 2022; and

WHEREAS, Benoun has and will continue to receive cost of living general salary increases equal to the amounts provided to classifications that participate in the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group, as provided for by the Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark as follows:

1. The above recitals are true and correct, and are incorporated herein.
2. The City Council approves an amendment to the Employment Agreement substantially in the form attached hereto as **Exhibit "1,"** and authorizes Mayor Nagy to execute the Agreement on behalf of the City, as approved by the City Attorney.
3. The Mayor is authorized to execute the amendment to the Employment Agreement, in a form approved by the City Attorney.

4. The City Council hereby approves an amendment to the City's Salary Schedule to reflect the revisions in compensation provided pursuant to the MOU, effective July 1, 2022.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on June 23, 2022, by Vice Mayor Hannon who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Council Members Bucci, Collazo, Freitas, Vice Mayor Hannon, and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Council Member Collazo

APPROVED:



s/ALAN L. NAGY

Mayor

ATTEST:



s/SHEILA HARRINGTON

City Clerk

APPROVED AS TO FORM:



s/KRISTOPHER J. KOKOTAYLO

City Attorney

AMENDMENT NO. 1 TO CITY OF NEWARK
CITY MANAGER EMPLOYMENT AGREEMENT

THIS AMENDMENT to the Employment Agreement (“Amendment”) is made by and between THE CITY OF NEWARK (“CITY”) and DAVID J. BENOUN (“BENOUN”) (collectively the “PARTIES”) as of July 1, 2022.

RECITALS

1. The PARTIES entered into an Employment Agreement (“Agreement”), effective December 29, 2018, under which BENOUN would serve as the City Manager of the CITY; and
2. The purpose of this Amendment is to provide for a merit increase to BENOUN’s salary effective as of July 1, 2022.

AGREEMENT

Section 1 **General Provisions.**

The foregoing Recitals are true and correct and incorporated herein by reference.

Section 2 **Increase of Compensation Pursuant to Section V(d) and Amendment of Section V(a).**

Pursuant to Section V(d) of the Agreement, BENOUN shall receive a 14.7% merit increase in base salary and Section V (a) of the Agreement shall be amended as follows:

Commencing July 1, 2022, the base salary for BENOUN shall be the sum of \$24,997.99 per month (\$299,975.88 per year), which sum shall be payable in installments at the same time as other employees of the CITY are paid and subject to customary withholdings and shall reflect a 14.7% merit increase and a 4% general salary increase provided to employees in the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group.

Section 3 **Effect of this First Amendment**

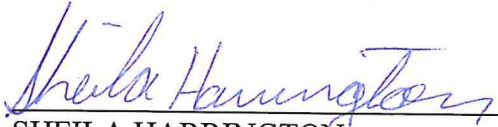
Except as the Agreement has been expressly modified by the Amendment, the Agreement shall continue in full force and effect according to its terms.

IN WITNESS WHEREOF, the PARTIES hereto have hereunto affixed their signatures as of the date and year first above written.

CITY OF NEWARK

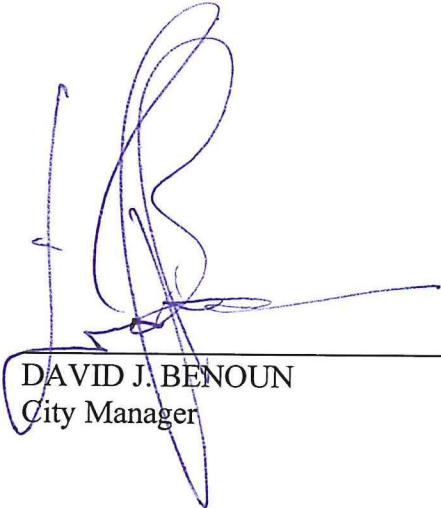
By: 
ALAN L. NAGY
Mayor

ATTEST:


SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:


KRISTOPHER J. KOKOTAYLO
City Attorney


DAVID J. BENOUN
City Manager