



CITY OF NEWARK CITY COUNCIL

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**Various Teleconference
Locations
7:30 p.m.**

AGENDA

Thursday, May 14, 2020

THIS IS A MEETING BY TELECONFERENCE ONLY. THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN. REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL. PLEASE NOTE THE START TIME FOR THIS SPECIAL MEETING.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meetings of April 23 and 30, 2020. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Introduction of employees.**

Background/Discussion – Assistant City Manager Lenka Hovorka, Police Chief Gina Anderson, and Maintenance Division Senior Administrative Support Specialist Jennifer Tran will be introduced to the City Council.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Acceptance of an Alameda County Fire Department Inspection Report showing compliance with Health and Safety Code Sections 13146.2 and 13146.3 – from Fire Division Chief Nishimoto. (RESOLUTION)

Summary – Senate Bill 1205 was enacted in September 2018. The bill mandates that every local fire department shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3 of the Health and Safety Code. Staff recommends that the Council adopt a resolution accepting the State-mandated annual fire inspection report.

Background/Discussion – State law requires that certain occupancy types be inspected annually by fire departments. These mandated occupancy types include private and public schools, hotels, and apartment buildings in compliance with California Health and Safety Code Sections 13146.2 and 13146.3. The purpose of the annual fire inspections is to mitigate known hazards, reduce risk to the community, and ensure reasonable compliance with the California Fire Code.

The Alameda County Fire Department (“ACFD”) performs these mandated inspections. ACFD personnel completed 35 inspections of educational occupancies and 191 residential occupancies during Fiscal Year 2018/2019. This represents a 100% compliance rate for known occupancies for this reporting period. A list of the inspections including dates is attached.

Attachments – SB1205 Compliance Report Fiscal 18/19
Proposed Resolution

Action – Staff recommends that the City Council adopt a resolution acknowledging receipt of a report from the Alameda County Fire Department Chief for the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 And 13146.3 of The California Health and Safety Code.

NONCONSENT

F.2 Update on the Draft 2020-2022 Capital Improvement Plan with project funding recommendations – from Assistant City Engineer Imai. (INFORMATIONAL)

Background/Discussion – As part of the 2020-2022 Biennial Budget and Capital Improvement Plan preparation, the Public Works Department is coordinating the development of the Capital Improvement Plan (CIP) budget component. The CIP development process commenced in November with a call for projects to all City departments. The full 2020-2022 Biennial Budget and Capital Improvement Plan (CIP) is scheduled to be adopted by the City Council on June 25, 2020. During the March 12, 2020 City Council meeting, staff provided a summary of the proposed projects submitted, prioritization criteria for project selection, and available funding sources; however, specific project funding recommendations were not provided at that time. Since then, the COVID-19 health crisis and orders to shelter in place have

had, and continues to have, a significant impact on the projected revenue sources that contribute to funding the CIP. Revenue from State and local gas taxes as well as potential Capital fund revenues through surpluses in the operating budget are likely to be reduced significantly compared to the original projections assumed on March 12th.

This update on the Draft 2020-2022 CIP is an informational item that addresses potential impacts on projected revenue resulting from the COVID-19 health crisis and provides an overview of staff’s CIP project funding recommendations based on these revised revenue projections. Similar to the March 12th City Council presentation, CIP projects have been grouped by funding source.

Gas Tax funded projects. Prior to the COVID-19 health crisis, estimated revenue projections for the various gas tax funds used in the 2020-2022 biennial budget period was approximately \$7.40 million (\$3.70 million annually). As with all revenue projections in the current state of the economy, it is very difficult to project the COVID-19 impacts on gas tax revenues for the next two years. However, staff has made some basic assumptions and recommends that revenue projections be reduced by 25% for fiscal year 2020-2021 (to \$2.78M) and 15% for fiscal year 2021-2022 (to \$3.14M). As a result of these revised revenue projections, staff is recommending just over \$4 million be allocated during the two-year budget cycle towards annual street maintenance projects and \$1.9 million for standalone street improvement projects. Prior to the COVID-19 health crisis, staff tentatively budgeted \$5M and \$2.2M, respectively to annual street maintenance and standalone street improvement projects. As with all projections made during this unprecedented time, these revenue estimates are subject to change. Programming for gas tax funded projects would be modified accordingly based on any revised revenue estimates. The list of projects recommended for funding by fiscal year is as follows:

Gas Tax Funded Projects	FY 2020-21	FY 2021-22
Street Asphalt Concrete Overlay Program	\$1,200,000	\$1,350,000
Curb, Gutter and Sidewalk Replacement	\$300,000	\$350,000
Street Tree Maintenance	\$220,000	\$250,000
Traffic Calming Measures	\$80,000	\$80,000
Citywide Accessible Pedestrian Ramps	\$50,000	\$60,000
Traffic Signals – LED Lamps and Accessories	\$25,000	\$25,000
Thermoplastic Street Striping	\$15,000	\$15,000
Annual Street Maintenance Project Totals (\$4,020,000)	\$1,890,000	\$2,130,000
Old Town PDA Streetscape Improvements - Design	\$500,000	
Citywide Crosswalk Evaluation and Modifications	\$150,000	\$150,000
Arterial Bicycle Lanes	\$150,000	
Safe Routes to School Improvements – Various Locations		\$250,000
Thornton Avenue Complete Streets - Design		\$700,000
Standalone Street Improvement Project Totals (\$1,900,000)	\$800,000	\$1,100,000
Totals by FY	\$2,690,000	\$3,230,000
Total	\$5,920,000	

The recommended list of gas tax funded projects totals \$5,920,000. This would leave a net zero balance of anticipated gas tax revenue at the end of the 2020-2022 budget cycle after accounting for potential revenue reductions due to the COVID-19 health crisis. The following gas tax funded projects submitted for consideration would not be recommended for funding under this scenario:

Gas Tax Projects <u>Not</u> Recommended for Funding	Estimated Cost
Old Town PDA Streetscape Improvements - Construction	\$6,500,000
Thornton Avenue Streetscape Improvements (Elm to Willow)	\$1,200,000
Citywide Street Light LED Conversion	\$1,150,000
Traffic Signal Interconnect – Cherry Street (Thornton to Stevenson)	\$125,000
Traffic Signal Interconnect – Newark Blvd (SR84 to Civic Terrace)	\$175,000
Traffic Signal Interconnect – Thornton Ave (Sycamore to Cedar)	\$150,000
Traffic Signal Preemption – Phase 2	\$200,000
Thornton Avenue Complete Streets - Construction	\$14,000,000

Staff will seek outside grant funds for the construction of both the Old Town Priority Development Area (PDA) Streetscape Improvements and Thornton Avenue Complete Street Improvements once the respective project designs are completed. Staff will also seek grant funds to subsidize the Traffic Signal Interconnect projects on Cherry Street, Newark Boulevard and Thornton Avenue as well as the Traffic Signal Preemption - Phase 2 project. In addition, staff will explore financing options to pay for upfront costs associated with the Citywide Street Light LED Conversion. Cost savings realized from reduced electrical consumption and replacement fixtures would eventually result in the project paying for itself.

Capital Fund projects. The estimated Capital Fund balance for the 2020-2022 Biennial Budget is \$9.3M; however, \$8.8M of this balance had previously been committed to other projects, resulting in \$500,000 of unrestricted Capital Funds currently available for the 2020-2022 CIP. It should also be noted that due to the evolving economic situation related to the COVID-19 health crisis, staff does not anticipate budget surpluses or scheduled transfers to the Capital Fund to occur over the next two years. Therefore, in order to provide a more reasonable unrestricted Capital Fund balance, staff is proposing that the following projects previously approved in the CIP be defunded at this time:

Capital Fund Projects to be Removed from Funded List	Estimated Cost
Thornton Avenue Widening, Project 662	\$405,000
Old Town Thornton Avenue Street Light Replacement, Project 868	\$180,000
Underground Electrical Wiring Security Devices, Project 1038	\$28,000
Community Center/Annex Roof Replacement, Project 1204	\$1,660,000
Community Center Annex HVAC System, Project 1205	\$232,000
Community Center HVAC System Overhaul, Project 1206	\$800,000
Total	\$3,305,000

The Thornton Avenue Widening and Old Town Thornton Avenue Street Light Replacement projects would be superseded by similar projects recommended for funding as part of the 2020-2022 CIP that are larger in scope, and can therefore be removed permanently from the CIP. In addition, the Underground Electrical Wiring Security Devices project is no longer needed. This project was initially intended to deter copper wire theft; however, the City has not experienced any such issues in recent years. Staff also recommends deferring the Community Center maintenance projects listed until the Citywide Building Needs Assessment study, recommended for funding as part of the 2020-2022 CIP, is completed to help guide future investment in existing City-owned buildings.

The removal of these projects from the funded list would transfer \$3,305,000 to the unrestricted Capital Funds category, resulting in a total of \$3,805,000 of unrestricted Capital Funds available for the 2020-2022 CIP. This would not only provide sufficient funding for the majority of projects under consideration for the 2020-2022 CIP, but also reestablish a healthy unrestricted Capital Fund reserve balance.

Staff recommends funding the following projects with unrestricted Capital Funds. Where possible, staff further recommends pushing back funding of Capital Fund projects until FY 2021-22 to account for the uncertainty of potential economic impacts resulting from the COVID-19 health crisis.

Capital Fund Projects Recommended for Funding	FY 2020-21	FY 2021-22
Silliman Center Water Tanks/Heater Replacement	\$100,000	
Senior Center Flooring Replacement	\$75,000	
Police Department – Barn Car Patrol Vehicle	\$80,000	
Police Department – Patrol Vehicle	\$80,000	
Police Department – Replacement Scheduling and Workforce Management Software	\$75,000	
Fire Station No. 27 Fencing	\$20,000	
Fire Station No. 29 Fencing	\$8,000	
Public Works Maintenance Vehicles (2)	\$60,000	\$60,000
Public Works Maintenance Truck		\$80,000
Silliman Center Air Handler #2 Replacement		\$350,000
Silliman Center Hot Tub Replacement		\$300,000
Silliman Center Partial Roof Replacement		\$325,000
Totals by FY	\$498,000	\$1,115,000
Total	\$1,613,000	

With \$3,805,000 of unrestricted Capital Funds available, the total of \$1,613,000 proposed for new 2020-2022 CIP Capital Fund projects would leave an unrestricted Capital Fund reserve balance of approximately \$2,200,000. In addition, only \$498,000 of the recommended \$1,613,000 of unrestricted Capital Funds would be used in the first year of the two-year budget cycle.

The following Capital Fund projects under consideration would not be proposed for funding at this time:

Proposed Capital Fund Projects <u>Not</u> Recommended for Funding	Estimated Cost
Citywide Document Scanning Services	\$300,000
Citywide Geographic Information Systems – Phase 2	\$150,000
Total	\$450,000

Document scanning that needs to be accomplished to facilitate the move into the new Civic Center buildings is now anticipated to be completed by a combination of City staff and existing consultant contracts. Staff also recommends deferring funding for the Citywide Geographic Information Systems – Phase 2 project until the complete scope of desired additions to this program can be re-evaluated. In addition, the replacement of Pumper Engine No. 242, which was also submitted for consideration for CIP funding, is proposed to be moved to the Equipment Replacement List, with the purchase financed over a multi-year period.

Park Impact Fees. The estimated fund balance for Park Impact Fees beginning July 1, 2020 is approximately \$150,000. This provides sufficient funding for two projects submitted for consideration by the Recreation and Community Services Department. The following park improvement projects are recommended for funding:

Park Impact Fee Projects Recommended for Funding	FY 2020-21	FY 2021-22
Mel Nunes Sportsfield Park Softball Outfield Net Replacement	\$30,000	
Citywide Parks Signage Program – Phase 1	\$80,000	
Totals by FY	\$110,000	\$0
Total	\$110,000	

Given the limited amount of available Park Impact Fees, the following projects are not recommended for funding at this time:

Park Impact Fee Projects <u>Not</u> Recommended for Funding	Estimated Cost
Lakeshore Park Restroom	\$350,000
Park Grid Tree Project	\$120,000
Total	\$470,000

The installation of a restroom at Lakeshore Park is included in the Citywide Parks Master Plan; however, it was assigned a “Priority Level” of 6, with “Priority Level 1” projects identified as those with the highest priority in the master plan document. Items of work proposed for the Park Grid Tree Project, such as additional tree pruning, removal and planting would be integrated into Public Works’ park maintenance program, as the Operating Budget allows.

Community Development Maintenance Funds. Community Development Maintenance Funds may be used to pay for feasibility studies or master plans that are related to the actual costs of maintaining and updating the Newark General Plan, Zoning Ordinance, and related regulations. The estimated fund balance for Community Development Maintenance Funds beginning July 1, 2020 is approximately \$3,400,000. The following studies are recommended for funding:

Community Development Maintenance Fund Projects	FY 2020-21	FY 2021-22
Citywide Building Needs Assessment	\$100,000	
Citywide Rail Station Alternatives Study	\$80,000	
Quiet Zones Study	\$60,000	
Totals by FY	\$240,000	\$0
Total	\$240,000	

Overall, a level of caution was used to project potential impacts on revenue sources caused by the COVID-19 health crisis and recommend projects for funding in the 2020-2022 Biennial Budget and Capital Improvement Plan. The approach used would essentially utilize estimated available funding over the two-year budget period in both the Gas Tax and Park Impact Fee categories. A Capital Fund reserve of approximately \$2.2M would also be reestablished at the conclusion of the budget cycle.

A work session to present the draft Capital Improvement Plan as part of the overall 2020-2022 Biennial Budget document is scheduled for May 28, 2020.

Attachments – presentation

Action – This item is informational only.

F.3 Oral Update Regarding the City’s Response to the COVID-19 Pandemic and Confirmation of the Continued Existence of a Local Emergency due to COVID-19 – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

Background/Discussion – The City Council ratified a proclamation of local emergency on March 17, 2020 as a result of the COVID-19 pandemic. City staff recommends that the City Council confirm the continued existence of the local emergency.

On March 16, 2020, the City Manager, acting as Director of Emergency Services, proclaimed a local emergency pursuant to California Government Code Section 8630 and Newark Municipal Code Chapter 2.16. The emergency declaration was based on conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of novel coronavirus 2019 ("COVID-19"), including confirmed cases in Alameda County. On March 17, 2020, the City Council adopted a resolution ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services.

Pursuant to Government Code Section 8630, the City Council must review and confirm the continued existence of a local emergency at least once every sixty (60) days.

In recent weeks, there has been progress in mitigating the spread of COVID-19 and “flattening the curve”. However, the conditions that prompted the original declaration of a local emergency continue to exist and health officials are still learning more information regarding the nature of COVID-19 and how it is transmitted. At the time of publication of this staff report, community transmission of COVID-19 continues to occur, and the number of cases within Alameda County continues to rise. There are over 1800 cases within the County, and over 60 deaths. The Alameda County Health Officer has extended the order for all residents to shelter at home through the month of May. Public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist.

Declaring a state of emergency provides local governments with the power necessary to coordinate and implement plans aimed at protecting the community and property during a disaster. This declaration will also permit the Director of Emergency Services to promulgate orders and regulations necessary for the protection of life and property and ensures that the City and its officials and employees are immune from liability when exercising their official duties during this emergency.

If adopted, the declaration of emergency will continue to remain in place until the emergency conditions have ended. However, the City Council will be required to continue to review the declaration at least every 60 days.

Attachments – Resolution

Action – Staff recommends that the City Council, by resolution, confirm the continued existence of the local emergency due to COVID-19.

- F.4 Approving and Authorizing the City Manager to execute Side Letters between the City of Newark and the Newark Association of Miscellaneous Employees (NAME), Newark Police Association (NPA), and Newark Police Management Association (NPMA) and to execute Compensation and Benefit Plan Modifications for Employees Compensation and Benefit Plans for City Officials and the Management, Supervisory and Professional Employee Group and the Confidential Group to temporarily modify benefits as a result of changed conditions due to the COVID-19 Pandemic – from City Manager Benoun, Assistant City Manager Hovorka and Interim City Attorney Kokotaylo. (RESOLUTIONS-5)**

Background/Discussion – The COVID-19 pandemic has resulted in significant societal changes that have affected the City’s daily operations. Due to the pandemic, various governmental agencies and officials have taken actions to address the threat to public health and safety. Specifically: the United States Department of Public Health and Human Services Secretary, the Governor of the State of California, the Alameda County

Health Officer and the President of the United States have all declared an emergency as a result of the COVID-19 pandemic.

On March 16, 2020, the Newark City Manager, acting in his capacity as the Director of Emergency Services, proclaimed the existence of a local emergency in recognition of the significant public health threat posed by the COVID-19 pandemic. The City Council ratified and confirmed the proclamation of the existence of a local emergency on March 17, 2020.

On March 16, 2020, the Alameda County Public Health Officer issued an Executive Order directing the public to shelter at their place of residence except under certain limited circumstances (the “SIP”). The Alameda County Public Health Officer has since extended and modified the SIP. In order to properly respond to the SIP and the COVID-19 pandemic, the City directed non-essential employees to shelter at their place of residence unless and until called in to work. Essential employees (including first responders) remained on the job. The City granted employees that were unable to perform their regular duties emergency paid administrative leave beginning March 17, 2020 (“EPAL”).

Additionally, the President signed the Families First Coronavirus Response Act (“FFCRA”) into law. The FFCRA took effect on April 1, 2020 and provides Emergency Paid Sick Leave (“EPSL”) and Emergency Family Medical Leave (“EFMLA”).

After April 30, 2020, the City stopped providing EPAL. In recognition of changed conditions as a result of the COVID-19 pandemic and necessary reductions and revisions to service delivery within the City as a result, City staff has prepared the attached side letters and compensation and benefit plan modifications. Members of the City’s bargaining units would receive corresponding benefit modifications outlined below, except for the City Manager who would not be entitled to receive any benefit modifications as a result of the proposed actions. As a preliminary matter, each side letter and compensation and benefit plan modification includes the following provision:

- Employees That Did Not Use EPAL: Employees that did not use EPAL or only partially used EPAL between March 16, 2020 and April 30, 2020 are eligible for up to 120 hours of Additional Administrative Leave (“AAL”). AAL will be reduced hour for hour for each hour of EPAL that an employee used. AAL has no cash value and must be used by December 31, 2022.

A summary of other unique provisions of the side letters and compensation and benefit plan modifications is below.

Newark Association of Miscellaenous Employees Side Letter:

The proposed side letter with Newark Association of Miscellaneous Employees (“NAME”) includes the following provisions:

- Federal Leaves: Members of NAME are eligible to use Emergency Paid Sick Leave where unable to work and required to shelter in place and are eligible to utilize Emergency Family Leave provided that the member meets the eligibility requirements for the programs as established by federal law.

- Temporary Suspension of Maximum Vacation Accrual: In recognition of the fact that some employees may not be able to utilize vacation during the COVID-19 response, the cap on accrual of vacation credits is temporarily suspended for any excess accruals between March 16, 2020 and through March 15, 2021. Employees will have until March 15, 2022 to utilize any excess vacation accruals at which point any excess vacation accruals remaining on March 16, 2022 will be cashed out.

- Alternate Work and Use of Leave: Members of NAME agree to perform necessary and appropriate alternate work assignments where unable to perform regular duties due to the COVID-19 pandemic. Where no appropriate alternate work assignments can be provided by the City, employees will utilize accrued leave balances in the following order: 1) leaves that expire June 30, 2020; 2) vacation leave or personal leave until no more than 40 hours of accrued vacation leave or personal leave remain; 3) sick leave (unless a member is eligible for sick leave, in which case sick leave would be used first). Consistent with existing policy, members of NAME cannot enter leave without pay until the member has 40 hours or less of any accrued leave.

- Negative Sick Leave: Employees that exhaust sick leave prior to December 31, 2020 or an earlier date as determined by the City, are allowed to accrue a negative sick leave balance of up to 40 hours (pro-rated for part-time employees to equal one week of regularly scheduled hours). The negative balance will be replenished with future accruals.

Newark Police Association Side Letter:

The proposed side letter with Newark Police Association (“NPA”) includes the following provisions:

- Federal Leaves: Members of NPA are eligible to use Emergency Paid Sick Leave provided that the member meets the eligibility requirements for the program as established by federal law.

- Temporary Suspension of Maximum Vacation Accrual: NPA receives this temporary suspension on maximum vacation accrual in the same manner as NAME.

- Temporary Suspension of Requirements to Obtain Sick Leave Incentive: The NPA MOU provides an incentive for employees that do not use sick leave during a calendar quarter. This provision provides that NPA members automatically receive

sick leave incentive pay pursuant to the MOU irrespective of whether a member of NPA utilized sick leave for the following calendar quarters: April-June 2020; July-September 2020; and October-December 2020. This is to ensure that members of NPA utilize sick leave as necessary to prevent the possible spread of COVID-19.

Newark Police Management Association (“NPMA”) Side Letter:

The proposed side letter with NPMA includes the following provisions:

- Use of Federal Leaves: NPMA receives this in the same manner as NPA.
- Temporary Suspension of Maximum General Leave Accrual: In recognition of the fact that some employees may not be able to utilize general leave during the COVID-19 response, the cap on accrual of general leave accruals is temporarily suspended for any excess accruals between March 16, 2020 and through March 15, 2021. Employees will have until March 15, 2022 to utilize any excess general leave accruals at which point any excess general leave accruals remaining on March 16, 2022 will be cashed out.
- Extended Time to Use Certain Leaves: In recognition of the fact that some employees may not be able to utilize birthday, floating holiday and management leave during the COVID-19 response, the requirement of the MOU that these leaves must be used within a fiscal year is temporarily modified to allow those leave balances that are not used during fiscal year 2019-2020 to be carried over and used during fiscal year 2020-2021.

Confidential Compensation and Benefit Plan Modification:

The proposed compensation and benefit plan modification for employees that are subject to the Confidential Compensation and Benefit Plan includes the following provisions:

- Use of Federal Leaves: Employees receive this in the same manner as members of NAME.
- Alternate Work and Use of Leave: Employees are subject to alternate work assignments and use of accrued leave balances in the same manner as members of NAME.
- Negative General Leave: Employees that exhaust general leave prior to December 31, 2020 or an earlier date as determined by the City, and have no confidential leave remaining, will be allowed to accrue a negative general leave balance of up to 40 hours (pro-rated for part-time employees to equal one week of regularly scheduled hours). The negative balance will be replenished with future accruals.

- Temporary Suspension of Maximum General Leave Accrual: Employees receive this temporary suspension on general leave accrual in the same manner as NPMA.

City Officials and the Management, Supervisory, and Professional Employee Group Compensation and Benefit Plan Modification:

The proposed compensation and benefit plan modification for employees that are subject to the City Officials and the Management, Supervisory, and Professional Employee Group Compensation and Benefit Plan includes the following provisions:

- Use of Federal Leaves: Employees receive this in the same manner as members of NAME and employees in the Confidential Group.
- Temporary Suspension of Maximum General Leave Accrual: Employees receive this temporary suspension on general leave accrual in the same manner as NPMA and employees in the Confidential Group.
- Extended Time to Use Certain Leaves: Employees receive this extended time to use birthday, floating holiday, and management leave in the same manner as NPMA.

Attachments – Side Letters, Compensation and Benefit Plan Modifications, Resolutions

Action – Staff recommends that the City Council, by resolutions, approve and authorize the City Manager to execute the Side Letter Agreements between the City of Newark and NAME, NPA and NPMA and approve and authorize the City Manager to execute the compensation and benefit plan modifications for the Confidential and City Officials and the Management, Supervisory, and Professional Employee Groups to temporarily modify benefits as a result of changed conditions due to the COVID-19 pandemic.

F.5 Approval of Annual Engineer’s Reports, intention to levy and collect assessments and setting date of public hearing on June 25, 2020 for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for fiscal year 2020-2021 in accordance with the provisions of the Landscaping and Lighting Act of 1972 – from Public Works Director Fajeau.
(RESOLUTIONS-2)

Background/Discussion – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 to provide for the operation and maintenance of certain landscaping and lighting improvements. The City Council recently ordered the City Engineer to prepare and file Annual Engineer’s Reports with the City Clerk concerning the levy and collection of

assessments within each district for fiscal year 2020-2021. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median islands and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the interior loop streets within the boundaries of Stevenson Point Technology Park, the maintenance of landscaping across the Newark Unified School District property on Cherry Street, and the street lighting maintenance, trash capture device maintenance , and neighborhood park maintenance of Zone 2 - Sanctuary.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

Landscaping and Lighting District No. 18: Cedar Boulevard median on the frontage of Tract 8130 – The maintenance of landscaping and the landscape irrigation system within the Cedar Boulevard median area along the frontage of Tract 8130 between Central Avenue and Smith Avenue.

Landscaping and Lighting District No. 19: Willow Street and Enterprise Drive in the Bayside Newark Transit Oriented Development – Provides for the maintenance of landscaping and the landscape irrigation system within the Willow Street and Enterprise Drive medians and traffic circles, maintenance of public street lighting systems, and maintenance of other improvements in the Bayside Newark Transit Oriented Development.

The Annual Engineer's Reports for all districts are attached and do not include any changes from last year as there are no proposed improvements or substantial changes to existing improvements in any districts. The City Council previously adopted a resolution to initiate proceedings for the levy and collection of assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 in accordance with the provisions of the Landscaping and Lighting Act of 1972 for fiscal year 2020/2021.

Upon conclusion of the annual public hearings, the assessments for the cost of the work would be added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

Attachments – Resolutions, Annual Engineer’s Reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for fiscal year 2020-2021

Action – Staff recommends that the City Council: (1) by resolution, approve the Annual Engineer’s Reports; and, (2) by resolution, declare an intention to levy and collect assessments and set the date for the annual public hearings for June 25, 2020, for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for fiscal year 2020-2021 in accordance with the provisions of the Landscaping and Lighting Act of 1972.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointing Senior Citizen Standing Advisory Committee members and appointment(s) to vacancy – from Mayor Nagy. (RESOLUTIONS-2)

Background/Discussion – Members of the Newark Senior Citizen Standing Advisory Committee (Committee) have terms that expired on April 14, 2020. Elwood Ballard, Sandra Arellano, Rick Arellano, and Stanley Keiser have each requested a two year reappointment.

In February, Committee Member Dolores Powell resigned, creating an immediate vacancy on the Committee. The City Council authorized the City Clerk to post a notice of vacancy. Applications were received by the advertised deadline from Susan Lucchesi, Marla Morris, Susan Johnson, and Olga Borjon.

There are currently 7 Committee members. The Committee Bylaws allow not less than 8 or more than 12 members on the committee. The Mayor will announce his two year appointment(s) at the City Council meeting.

Attachment - Resolutions

Action – Staff recommends that the City Council, by resolutions, 1) reappoint Elwood Ballard, Sandra Arellano, Rick Arellano, and Stanley Keiser to the Senior Citizen Standing Advisory Committee and 2) approve the appointment(s) to the vacancy on the Senior Citizen Standing Advisory Committee.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**K. ORAL COMMUNICATIONS****L. APPROPRIATIONS****Approval of Audited Demands.****(MOTION)****M. CLOSED SESSION****N. ADJOURNMENT****IMPORTANT NOTICE REGARDING CITY COUNCIL MEETING**

Due to the COVID-19 pandemic, the City of Newark is making several changes related to City Council meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Council using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Mayor Nagy, Vice Mayor Freitas, and Council Members Collazo, Hannon, and Bucci will be attending this meeting via teleconference. Teleconference locations are not open to the public. All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Live television broadcast - Comcast Channel 26

Livestream online at- <https://www.newark.org/departments/city-manager-s-office/agendas-minutes/live-streaming-meetings>

How to participate in the meeting remotely:

Provide live remote public comments, when called upon by the City Clerk:

From a PC, Mac, iPad, iPhone or Android device: <https://zoom.us/j/99384648963>

Webinar ID 993 8464 8963 (to supplement a device without audio, or to just call in, please also join by phone: US: +1 669 900 6833, same Webinar ID 993 8464 8963.)

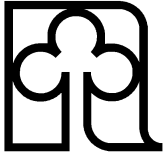
Submission of Public Comments:

Public comments received by 4:00 p.m. on the Council meeting date will be provided to the City Council and considered before Council action. Comments may be submitted by email to City.clerk@newark.org. Comments may also be submitted via e-mail to city.clerk@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The City Clerk will read aloud email comments received during the meeting that include the subject line “FOR THE RECORD” as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Council meeting and consistent with all applicable laws.

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

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



CITY OF NEWARK CITY COUNCIL

Virtual Meeting, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

Virtual Meeting
Various Locations
7:30 p.m.

AGENDA

Thursday, May 14, 2020

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager

Lenka Hovorka
Assistant City Manager

Gina Anderson
Police Chief

Soren Fajeau
Public Works Director

David Zehnder
Recreation and Community Services Director

Kristopher J. Kokotaylo
Interim City Attorney

Krysten Lee
Finance Director

Steven M. Turner
Community Development Dir.

Sheila Harrington
City Clerk

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

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

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached **Agenda** gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless “none” follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk’s office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission’s action was on that particular item. **Action** indicates what staff’s recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.