

# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@newark.org](mailto:city.clerk@newark.org)

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

## **AGENDA**

Revised 7/20/2020

**Thursday, July 23, 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.**

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the City Council meeting of July 9, 2020.  
(MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

- C.1 Proclamation for 30<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA).  
(PROCLAMATION)**
- C.2 Presentation of the South Bay Connect project by the Capitol Corridor Joint Powers Authority.  
(PRESENTATION)**

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

- E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' Report concerning weed abatement assessments – from Assistant Maintenance Superintendent Hornbeck.  
(MOTION)(RESOLUTION)**

**F. CITY MANAGER REPORTS**

(It is recommended that Items F.1 through F.3 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

**CONSENT**

- F.1 Second reading and adoption of an Ordinance Amending the Requirements Related To Holding City Council Meetings and Agendas in the Municipal Code – from City Manager Benoun, City Clerk Harrington and Interim City Attorney Kokotaylo. (ORDINANCE)**
- F.2 Authorization for the Mayor to execute the Fifth Amendment to the Lease Agreement with County of Alameda for continued reimbursement of janitorial and pest control services – from Maintenance Superintendent Connolly and Interim City Attorney Kokotaylo. (RESOLUTION)**
- F.3 Authorization for the City Manager to sign Task Order No.1 with Mission Critical Partners, LLC in the not-to-exceed amount of \$140,622 for additional consultant services under the original Contractual Services Agreement to coordinate the procurement, installation, testing and migration of the Public Safety Answering Point in the new Police Department building for the New Civic Center, Project 1188 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**NONCONSENT**

- F.4 Update on the progress of the New Civic Center, Project 1188 – from Chief Building Official/City Architect Collier. (INFORMATIONAL)**
- F.5 Authorization for the City Clerk to waive business license penalties from March 16, 2020, the proclamation date of the local emergency due to COVID-19, through the end of the calendar year – from Finance Director Lee and Interim City Attorney Kokotaylo. (RESOLUTION)**
- F.6 Authorization to call an election on November 3, 2020 for voter consideration of an extension of the existing City of Newark Utility Users Tax; establishing related election policies and procedures; requesting consolidation of the election and requesting certain services of the**

**Alameda County Registrar of Voters; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis – from City Manager Benoun. (RESOLUTION)**

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**(MOTION)**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

**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/99511260273>

Webinar ID 995 1126 0273 (to supplement a device without audio, or to just call in, please also join by phone: US: +1 669 900 9128 , same Webinar ID 995 1126 0273.)

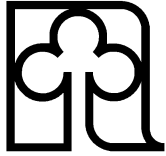
**Submission of Public Comments:**

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](mailto:City.clerk@newark.org). Comments may also be submitted via e-mail to [city.clerk@newark.org](mailto: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, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

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



# CITY OF NEWARK CITY COUNCIL

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

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

## AGENDA

**Thursday, July 23, 2020**

### CITY COUNCIL:

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

### CITY STAFF:

*David J. Benoun*  
*City Manager*  
  
*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:

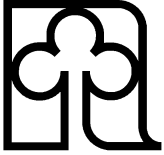
- |  |                                |
|--|--------------------------------|
| <b>A. ROLL CALL</b>                        | <b>I. COUNCIL MATTERS</b>      |
| <b>B. MINUTES</b>                          | <b>J. SUCCESSOR AGENCY</b>     |
| <b>C. PRESENTATIONS AND PROCLAMATIONS</b>  | <b>TO REDEVELOPMENT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

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

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

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

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



# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

## Minutes

Thursday, July 9, 2020

### A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci. They all participated via various virtual teleconference locations.

### B. MINUTES

#### B.1 Approval of Minutes of the City Council meeting of June 25, 2020.

**MOTION APPROVED**

Council Member Collazo moved, Council Member Bucci seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Introduction of employee.

Mayor Nagy introduced Associate Planner Mayank Patel.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

### F. CITY MANAGER REPORTS

Council Member Hannon requested the removal of item F.3 for separate consideration.

Council Member Bucci moved, Council Member Freitas seconded, to approve Consent Calendar Items F.1, F.2 and F.4, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

### CONSENT

- F.1 Acceptance of work with OC Jones & Sons, Inc. for Sportsfield Park Synthetic Turf Fields and Newark Skate Park at Sportsfield Park, Project Nos. 1192 and 1193. RESOLUTION NO. 11099**
  
- F.2 Confirmation of the Continued Existence of a Local Emergency due to COVID-19. RESOLUTION NO. 11100**
  
- F.4 Approval of a Third Amendment to a Contractual Services Agreement with Management Partners for Community Development, Human Resources, and Financial Consulting Services. RESOLUTION NO. 11101  
CONTRACT NO. 19013**

**NONCONSENT**

- F.3 Authorization for the City Manager to sign a License Agreement with Newark Unified School District for use of MacGregor School Playfields. RESOLUTION NO. 11102**

Council Member Hannon thanked City Manager Benoun and Interim City Attorney Kokotaylo for drafting the agreement.

No one from the public requested to speak.

Council Member Hannon moved, Council Member Bucci seconded to by resolution, authorize the City Manager to sign a License Agreement with Newark Unified School District for use of MacGregor School Playfields. The motion passed, 5 AYES.

- F.5 Introduction of an Ordinance Amending the Requirements Related To Holding City Council Meetings and Agendas, Adoption of Resolutions Establishing Regular Meeting Schedule For the Remainder of 2020 and designating locations for the posting of agendas and notices. ORDINANCE INTRODUCED  
RESOLUTION NO. 11103 Meeting Schedule  
RESOLUTION NO. 11104 Posting Locations**

City Manager Benoun gave the staff report recommending approval.

The City Council discussed meeting start times and concurred to revise the proposed meeting schedule resolution to reflect a 7 p.m. start time for City Council meetings beginning in September.

No one from the public requested to speak.

Council Member Bucci moved, Council Member Hannon seconded to 1) waive full reading and introduce by title only an ordinance related to the requirements related to holding City Council Meetings; and 2) adopt a resolution establishing the regular meeting schedule for the remainder of 2020; and 3) adopt a resolution designating public places for posting city notices and agendas. The motion passed, 5 AYES.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

**I.1 Consideration of City Council's summer meeting recess during the month of August 2020.**

**MOTION APPROVED  
RESOLUTION NO. 11105**

Mayor Nagy recommended that the City Council approve a meeting recess during the month of August.

No one from the public requested to speak.

Council Member Hannon moved, Council Member Collazo seconded to, by motion, approve a City Council summer meeting recess during the month of August 2020 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess. The motion passed, 5 AYES.

Mayor Nagy stated that the filing period to run for Mayor and City Council would open on July 13. He announced that he would seek re-election.

Council Member Freitas extended his condolences to the family of former Alameda County Supervisor Gail Steele. Vice Mayor Freitas stated that he would seek re-election.

Council Member Hannon thanked staff for the Fourth of July response.

Council Member Bucci stated that the August Recess, in the past, was a vacation time. He wished good luck to everyone running for elected office.

Council Member Collazo stated that she had a virtual tour of the new library and the building will be incredible. She announced that she would run for another term on the City Council. Shop Newark.



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

**K. ORAL COMMUNICATIONS**

No one from the public requested to speak.

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 121483 to 121707.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

**M. CLOSED SESSION**

**N. ADJOURNMENT**

At 7:57 p.m. Council Member Bucci moved, Council Member Hannon seconded, to adjourn the meeting. The motion passed, 5 AYES.

**C.1 Proclamation for 30<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA).  
(PROCLAMATION)**

**Background/Discussion** – On July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a national mandate for the elimination of discrimination against individuals with disabilities. A proclamation in honor of the 30<sup>th</sup> Anniversary will be presented at the City Council meeting.

**C.2 Presentation of the South Bay Connect project by the Capitol Corridor Joint Powers Authority. (PRESENTATION)**

**Background/Discussion** – The Capitol Corridor Joint Powers Authority (CCJPA), managing agency of the Capitol Corridor intercity passenger rail service, issued a Notice of Preparation of an Environmental Impact Report for the South Bay Connect project on June 29, 2020. This opens a 45-day Public Scoping Period that will close on August 13, 2020. The Draft Environmental Impact Report is expected to be completed by the end of calendar year 2020, with the Final Environmental Impact Report expected at the end of 2021.

As part of the Public Scoping Period, CCJPA staff and consultants will be presenting a project briefing to several City Councils in the project area. Ms. Shirley Qian (CCJPA Project Manager and Senior Planner) and Mr. Ben Tripousis (Senior Project Manager and Associate Vice President, HNTB) will provide a presentation to the City Council, which will include an overview of the South Bay Connect project purpose, scope, status, and anticipated schedule.

**Attachment** – Presentation



# Capitol Corridor South Bay Connect

City of Newark Project Briefing  
July 23, 2020

# Agenda

# Agenda

- Project Overview
- Environmental Review Process
- Communications and Engagement
- Next Steps/Questions

# Project Overview

# South Bay Connect Project Overview

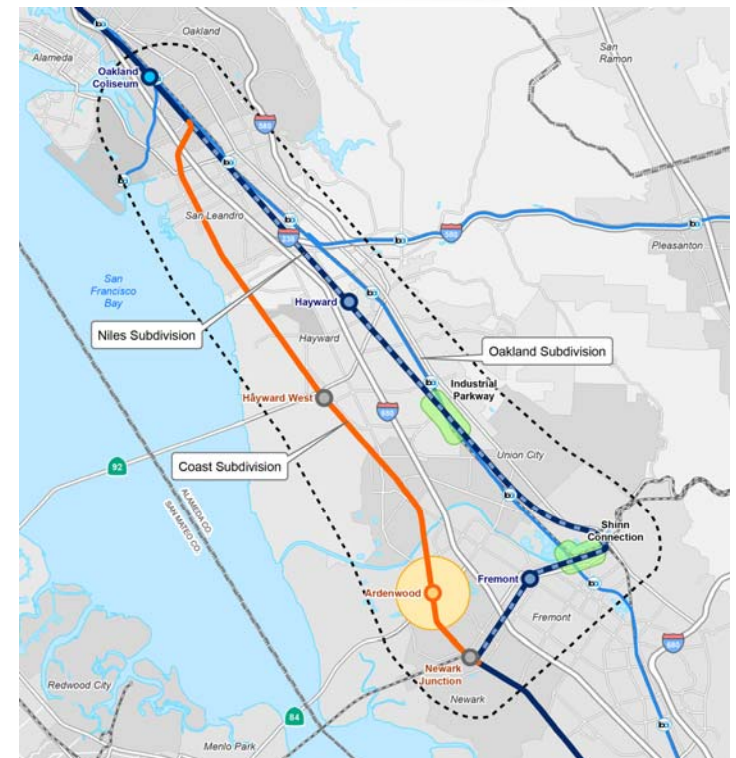


## Relocation of Capitol Corridor service

- Reduce train travel time between Oakland and San Jose, up to 13 minutes
- Facilitate improved separation of passenger and freight rail for better operations



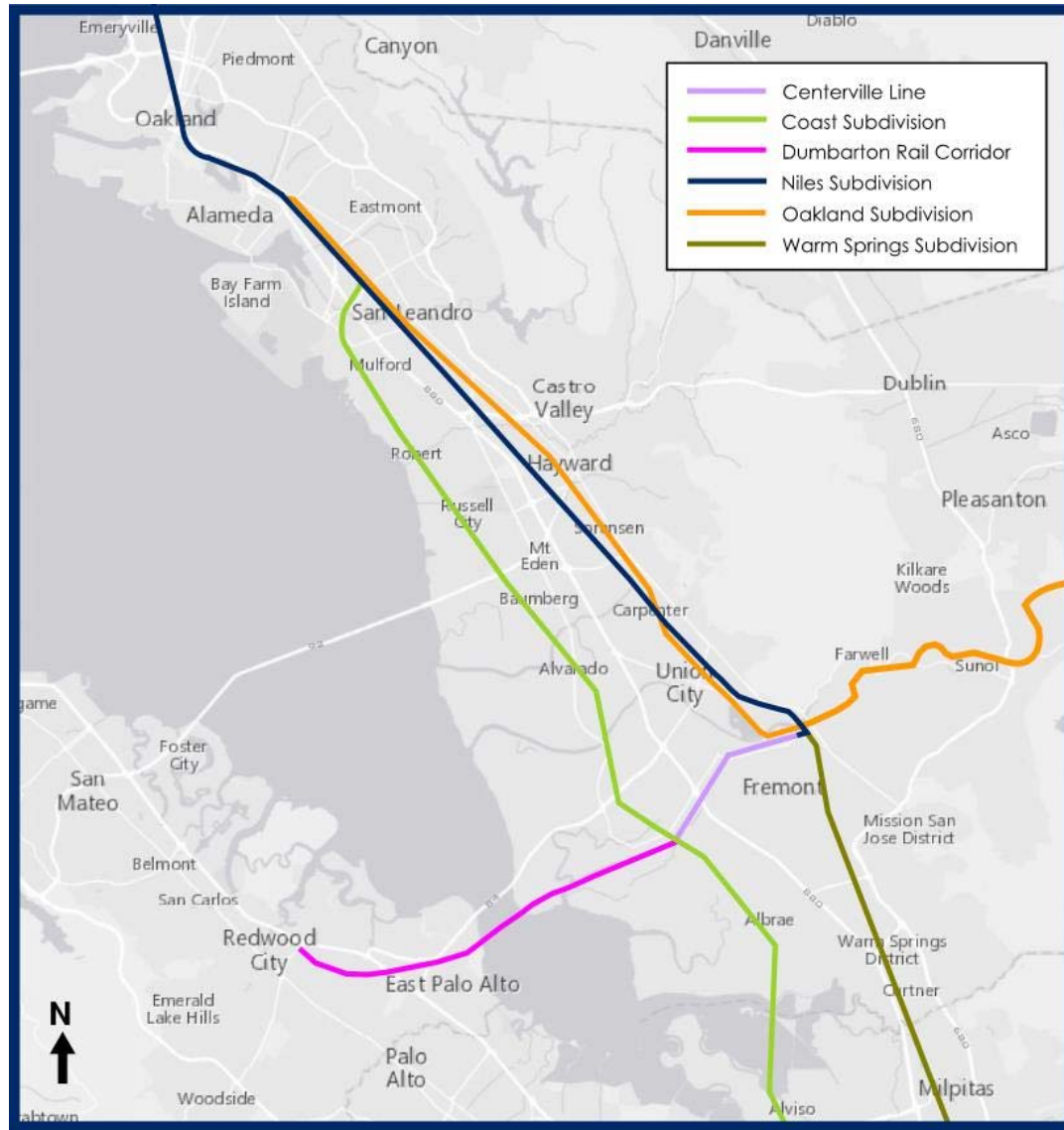
## New train station with connections to transbay bus and shuttle services







# Existing Rail Subdivisions





# Existing Rail Subdivisions



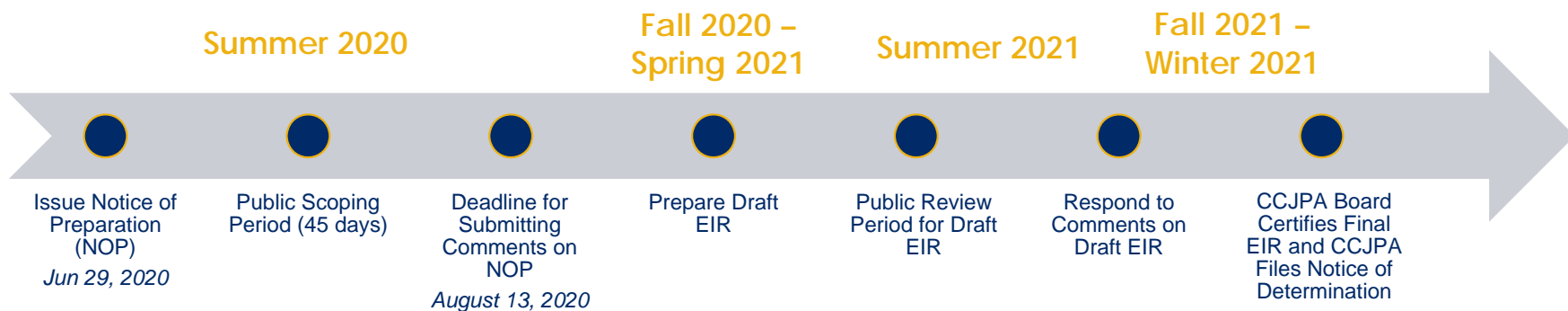
# Environmental Review Process

# Environmental Review Process

- Release of Notice of Preparation (NOP)
- Scoping Process (Jun 29 – Aug 13)
- Coordinating Efforts with UPRR

# Environmental Review Process

- CEQA (California Environmental Quality Act) Compliance
  - CEQA Lead Agency: CCJPA
  - **Environmental Impact Report (EIR)**



# Communications and Engagement

# Communications/Engagement Program Summary

## Ongoing Stakeholder/Agency Coordination

- ⑩ Database of property owners and stakeholders
- ⑩ Speakers bureau
- ⑩ Community working group meetings

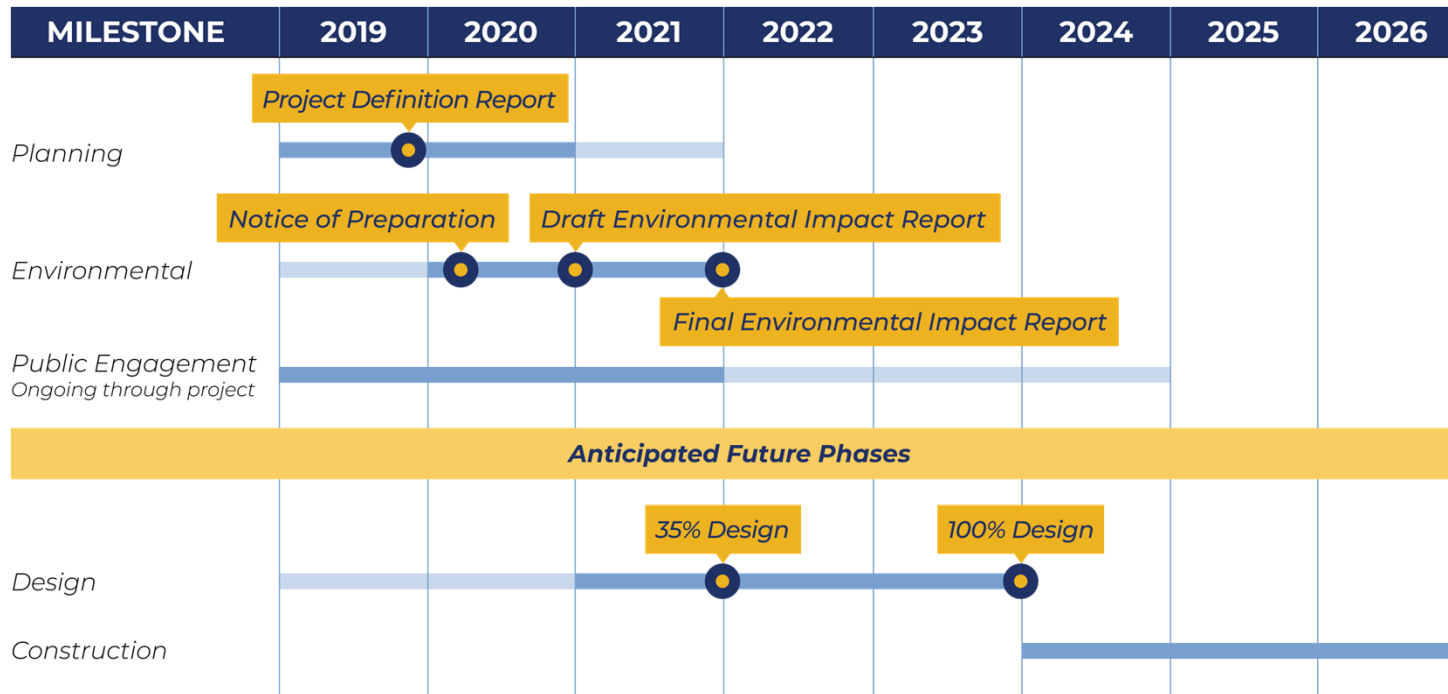
## Project Communications Tools and Tactics

- ⑩ Project website/Online scoping meeting ([southbayconnect.com](https://southbayconnect.com))
- ⑩ Email blasts
- ⑩ Public meetings (**mostly virtual**, in-person as needed)
- ⑩ Social media and media relations
- ⑩ Collateral materials (fact sheets, FAQ, presentations, renderings)

# Project Schedule



# Project Schedule



# Current Status and Next Steps

# Current Status and Next Steps

- Public communication and outreach during scoping period
- Prepare draft EIR
  - Finalize project scope details
- UPRR coordination

**E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' Report concerning weed abatement assessments – from Assistant Maintenance Superintendent Hornbeck. (MOTION)(RESOLUTION)**

**Background/Discussion** – The Superintendent of Streets' report on the 2020 Weed Abatement Program is submitted pursuant to Resolution No. 11041 adopted by the City Council on April 23, 2020. The report showing the assessments for the fall 2019 and the spring 2020 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 16, 2020, no written objections have been received.

On May 28, 2020, the City Council directed the Superintendent of Streets to abate weeds on 123 parcels of land. Subsequent to notification, private property owners cleared 110 parcels and the City's contractor cleared 13 parcels. This year, the assessments ranged from \$96 to \$2,340, inclusive of the 20% administrative fee required by the City of Newark Master Fee Schedule. The lowest cost is for a vacant property that required minimal work. The highest cost was for a property that required tractor work. There were no additional supplemental lot clearings for the 2019 fall abatement work included in this year's assessments. The combined total for all assessments, including administrative charges, was \$6,984.

**Attachments** – Resolution; Superintendent of Streets' Report

**Action** – Staff recommends that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2020 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' Report concerning weed abatement assessments.

RESOLUTION NO.

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

WHEREAS, the City Council of the City of Newark, by Resolution No. 11,041, 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 – Superintendent of Streets' Report - 2020 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 combined total amount of \$6,984.00 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**  
**Superintendent of Streets' Report**  
**2020 City of Newark Weed Abatement**  
**Total Assessments**

<b>MAP NO.</b>	<b>APN</b>	<b>LOCATION</b>	<b>TOTAL ASSESSMENT</b>
3	092-0131-001-09	Filbert St at Snow Ave	459
8.0	092-0030-014-03	6717 Thornton Ave	153
11	092-0041-008-03	Union Pacific Railroad Right-of-Way	192
15	537-0460-007-25	6953 Jarvis Ave	210
18	901-0111-009-00	Cedar Blvd at N.Magazine	726
32	092-0061-011-00	6849 Baine Ave	573
34	092-0126-019-00	San Mateo County Transit District Right-of-Way	2340
35	537-0852-001-02	8787 Enterprise Dr	420
36	092-0115-011-00	37445 Willow St	954
36	092-0100-004-02	Willow St at Enterprise Dr	192
45	092-0125-010-00	7843 Railroad Ave	96
49	092-0135-023-00	Walnut St Corner Lot	96
68	092-0140-006-00	8333 Enterprise St	573
		<b>TOTAL</b>	<b>\$6,984</b>

**F.1 Second reading and adoption of an Ordinance Amending the Requirements Related To Holding City Council Meetings and Agendas in the Municipal Code – from City Manager Benoun, City Clerk Harrington and Interim City Attorney Kokotaylo. (ORDINANCE)**

**Background/Discussion** – Newark Municipal Code (the “Code”) Sections 2.08.010, “Regular meetings,” 2.08.030 “Agenda,” and 2.08.070 “Order of business,” establish the set meeting time, date, and location of the regular City Council meetings and the agenda topics and order for City Council consideration at each meeting.

Establishing these procedures in the Code pursuant to an ordinance makes it difficult for the City Council and staff to be flexible in response to changing conditions and circumstances. Any adjustments to the Code requires two readings and thirty days after adoption to become effective. By removing these requirements from the Code, the City Council can make adjustments by resolution, which take effect immediately, and can shift or modify the date, time and location for regular meetings as circumstances necessitate.

At the July 9, 2020 City Council meeting, an ordinance was introduced Amending Sections 2.08.010, and 2.08.030 and Removing Section 2.08.070 of the Newark Municipal Code Relating to The Requirements Related To Holding City Council Meetings. A second reading of the ordinance is required before it may be adopted.

**Attachment** – Ordinance

**Action** – Staff recommends that the City Council waive further reading and adopt by title only an ordinance Amending Sections 2.08.010, and 2.08.030 and Removing Section 2.08.070 of the Newark Municipal Code Relating to The Requirements Related To Holding City Council Meetings.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AMENDING SECTIONS 2.08.010, AND  
2.08.030 AND REMOVING SECTION 2.08.070 OF THE  
NEWARK MUNICIPAL CODE RELATING TO THE  
REQUIREMENTS RELATED TO HOLDING CITY  
COUNCIL MEETINGS

WHEREAS, Section 2.08.010, “Regular meetings,” of the Newark Municipal Code (the “Code”) establishes a set time, date and location for regular of the City Council; and

WHEREAS, Section 2.08.070, “Order of business,” of the Code establishes set topics and items for City Council consideration in an established order; and

WHEREAS, certain actions undertaken by the City Council must occur at a regular City Council meeting pursuant to state law; and

WHEREAS, the City Council desires to amend the Code to eliminate the regular meeting dates and times in order to provide the City Council the flexibility to revise the regular meeting time and location by resolution to provide the City Council with the ability to establish varying regular meeting dates and times in unusual or unanticipated circumstances; and

WHEREAS, the City Council further desires to amend the Code to provide flexibility to amend the topics and items for City Council consideration to ensure that the City Council is considering items that are pertinent and contemporary and to remove items that are no longer relevant.

NOW, THEREFORE, the City Council of the City of Newark does ordain as follows:

**Section 1. Recitals Made Findings.** The above recitals are hereby declared to be true and correct and findings of the City Council of the City of Newark.

**Section 2. CEQA.** Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**Section 3. Amendment.** Sections 2.08.010, “Regular meetings,” 2.08.030 “Agenda,” and 2.08.070 “Order of business,” of Chapter 2.08 of Title 2 of the Newark Municipal Code is hereby amended as provided in Exhibit A, attached hereto and incorporated herein by reference (with text in ~~strikeout~~ indicating deletion and double underline indicating addition).



**Section 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Newark hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**Section 5. Effective Date and Publication.** This Ordinance shall take effect thirty (30) days from the date of its adoption. Before expiration of fifteen (15) days after its adoption, this Ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

Exhibit A

2.08.010 - ~~Regular meetings~~Meetings.

A. Regular Meeting Time: ~~The City Council shall, by resolution, set the day and time of regular meetings of the City Council. However, when the day fixed by resolution for any regular meeting of the City Council falls on a day designated by law as a legal or national holiday, there shall be no meeting. The city council shall hold regular meetings on the second and fourth Thursday of each month at seven thirty p.m.; provided, however, that when the day fixed for any regular meeting of the council falls on a day designated by law as a legal or national holiday, or Christmas or New Year's Eve, there shall be no meeting.~~

B. Regular Meeting Place: All regular meetings of the city council shall be held in the council chambers of the city or in any other location set forth in the posted notice of the regular meeting~~administration building located at 37101 Newark Boulevard, Newark, California. If, by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as designated by the mayor.~~

C. Special Meetings: (1) Time. The time of special meetings shall be at the hour specified in the posted notice of the meeting. (2) Place. Special meetings of the city council shall be held in the council chambers of the city ~~administration building located at 37101 Newark Boulevard, Newark, California,~~ or in any other location set forth in the posted notice of the special meeting.

D. Adjournment of Meetings: The city council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the city clerk shall declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ~~resolution~~ordinance.

E. ~~Cancellation of Meetings: The city council may cancel any future regular meeting of the city council by motion. Said motion shall also direct the city clerk to give notice of the cancellation in the same manner as regular meeting agendas are posted.~~

...

2.08.030 – Agenda and order of business.

All reports, communications, ordinances, resolutions, documents, or other matters to be submitted to the council shall be delivered to the city clerk as far in advance of each council meeting as time for preparation will permit. The city clerk and the city manager shall arrange a list of the matters to be brought before the council according to the order of business and furnish each member of the council and the city attorney with a copy of the agenda in accordance with the provisions of the Ralph M. Brown Act (GC 54950, et seq.). No matter may be considered by

the city council other than matters on the agenda, without the consent of a majority of the city council present at the meeting.

The agenda for regular meetings shall provide for a roll call, approval of minutes from previous meetings, approval of consent calendar items, scheduled public hearings, oral communications from citizens, ordinances proposed for adoption, and such other business as may be appropriate. The mayor may specify the order of business for any agenda, and shall have the authority to vary the order of business during the meeting.

...

2.08.070 - Order of business: Reserved.

~~All meetings of the council shall be open and public. Promptly at the hour set by ordinance on the day of each regular meeting, the members of the council, the city clerk, city attorney, and the city manager shall take their regular places in the council chambers and the business of the council shall be taken up for consideration and disposition in the following order:~~

- ~~A. Roll call;~~
- ~~B. Minutes;~~
- ~~C. Presentations and proclamations;~~
- ~~D. Written communications;~~
- ~~E. Public hearings;~~
- ~~F. City manager reports;~~
- ~~G. City attorney reports;~~
- ~~H. Economic development corporation (recess to sit as corporation ex officio);~~
- ~~I. City council matters;~~
- ~~J. City council acting as the successor agency to the redevelopment agency;~~
- ~~K. Oral communications;~~
- ~~L. Appropriations;~~
- ~~M. Closed session;~~
- ~~N. Adjournment.~~

**F.2 Authorization for the Mayor to execute the Fifth Amendment to the Lease Agreement with County of Alameda for continued reimbursement of janitorial and pest control services – from Maintenance Superintendent Connolly and Interim City Attorney Kokotaylo. (RESOLUTION)**

**Background/Discussion** – In 2015, the City Council authorized the Mayor to sign a lease with County of Alameda for lease of the Newark library facility that is owned by the City. The lease obligates the City to provide janitorial services for the building, subject to reimbursement from the County.

The City’s existing janitorial rates continue to remain the same from July 1, 2020 through June 30, 2021. The janitorial company services the Library and the County reimburses City for said services.

City staff has consulted with County staff and the County has agreed to continue reimbursing the City at the current rate through June 30, 2021 unless terminated earlier due to occupying the new library building upon which the City and the County will execute a new and separate lease agreement.

The attached Fifth Amendment memorializes this understanding.

**Attachments** – Resolution, Fifth Amendment to Lease Agreement

**Action** – Staff recommends that the City Council, by resolution, authorize the Mayor to execute the Fifth Amendment to the Lease Agreement with the County of Alameda for continued reimbursement of janitorial and pest control services.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE MAYOR TO EXECUTE THE  
FIFTH AMENDMENT TO THE LEASE AGREEMENT WITH  
COUNTY OF ALAMEDA FOR REIMBURSEMENT OF  
JANITORIAL AND PEST CONTROL SERVICES

WHEREAS, the City of Newark (“City”) and County of Alameda (“County”) are currently parties to that certain Lease Agreement for use of the City-owned library facility located at 6300 Civic Terrace Avenue; and

WHEREAS, both the City and the County wish to amend the Lease Agreement to reflect continued costs for janitorial services at said facility.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the Fifth Amendment to the Lease Agreement with the County of Alameda for the City-owned facility located at 6300 Civic Terrace Avenue, said Agreement on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Fifth Amendment to the Lease Agreement with Alameda County on behalf of the City of Newark in substantially the same form as on file with the City Clerk and take all actions necessary to effectuate the intent of this Resolution.

## **FIFTH AMENDMENT TO LEASE AGREEMENT**

This Fifth Amendment to Lease Agreement is made as of July 1, 2020, by and between the COUNTY OF ALAMEDA ("COUNTY"), and the CITY OF NEWARK, a municipal corporation ("CITY"), collectively referred to as "Parties".

### **RECITALS**

- A. COUNTY and CITY are parties to that certain Lease Agreement between the City of Newark and the County of Alameda, to lease certain premises located at 6300 Civic Terrace Avenue, Newark, California, made July 1, 2015, and its First Amendment made August 1, 2016, Second Amendment made July 1, 2017, Third Amendment made July 1, 2018, and Fourth Amendment made July 1, 2019, together referred to as ("Agreement"); and
- B. The Parties wish to modify the terms of the Agreement related to Maintenance and Repairs.

### **AGREEMENT**

NOW, THEREFORE, COUNTY and CITY hereby agree as follows:

- 1. Section 15 MAINTENANCE AND REPAIRS Paragraph B of the Agreement is hereby deleted in its entirety and replaced with the following:

15. MAINTENANCE AND REPAIRS

- B. Janitorial and Pest Control Services: Commencing July 1, 2020 and continuing through June 30, 2021, unless terminated earlier due to occupying the new library building upon which new rates will be negotiated, COUNTY agrees to continue paying CITY for janitorial and pest control services for the premises, the sum of five thousand five hundred seventy three, sixty cents (\$5,573.60) per month as and for janitorial and pest control services for the premises. Each monthly payment is payable on the first day of each and every month. All payments for janitorial and pest control services shall be paid by COUNTY at the office of CITY at 37101 Newark Blvd., Newark, CA 94560 or any other place or places that CITY may from time to time designate by written notice given to COUNTY.

Attached as "EXHIBIT A" is the scope of services for the janitorial services

described herein.

- 2. All other terms and provisions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.**

COUNTY OF ALAMEDA

CITY OF NEWARK

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_  
(Printed)

Name: \_\_\_\_\_  
(Printed)

Title: President of the Board of Supervisors

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
County Counsel Signature

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

# EXHIBIT A

**Alameda County Library - Newark  
6300 Civic Terrace Avenue  
Newark, CA 94560**

## WORK SCHEDULE FOR JANITORIAL SERVICE

**BUILDING AND LOCATION:**

**APPROXIMATE GROSS AREA:** 15,000

Newark Library  
6300 Civic Terrace Avenue

**Hours of Work:** Monday and Tuesday – noon to 8 p.m.  
Wednesday and Thursday – 10 a.m. to 6 p.m.  
Saturday - 10 a.m. to 5 p.m.  
Sunday – 1 p.m. to 5 p.m.

### Daily/WEEKLY/BI-WEEKLY DUTIES

**Security: Close and lock all doors, windows, and set alarm upon completion of work**

ITEM #	WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
<b>A</b>	<b>Waste Removal</b>		
1	Waste baskets (interior and exterior)	Empty, install new liners	Daily (5 days)
2	Boxes, cartons, paper	Empty into recycle dumpster	Daily (5 days)
3	Ash trays	Empty and clean	Daily (5 days)
<b>B</b>	<b>Restroom Care</b>		
4	Toilet bowls, urinals, partitions, and seats (inside and out)	Clean and disinfect	Daily (5 days)
5	Sinks	Clean and disinfect	Daily (5 days)
6	Counters	Clean and disinfect	Daily (5 days)
7	Chrome	Polish	Daily (5 days)
8	Mirrors	Clean and disinfect	Daily (5 days)
9	Walls	Spot clean, dust, and remove cobwebs	Daily (5 days)
10	Floors, floor drains	Wet mop with germicidal cleaner, pour one bucket clean water into floor drain	Daily (5 days)
11	Paper products, hand soap	Refill as needed	Daily (5 days)
12	Trash and sanitary napkin containers	Empty, install new liners	Daily (5 days)
<b>C</b>	<b>Floor Care</b>		
13	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily (5 days)
14	Waxed areas	Vacuum dirt catchers, clean corners, door jams and baseboards	Weekly
15	Carpet	Public areas vacuum traffic lanes, heavily used areas remove stains Private areas, vacuum entire area	Daily (5 days) Weekly
<b>D</b>	<b>Employee Lunchroom</b>		
16	Sink, counter tops	Wash with germicidal cleaner	Daily (5 days)
17	Refrigerators, stove, and microwave	Clean exterior	Daily (5 days)
18	Woodwork, cabinets	Spot clean	Daily (5 days)
19	Waste containers	Empty, wipe, install new liner	Daily (5 days)
<b>E</b>	<b>Furnishing Care</b>		
20	Working surfaces	Damp wipe, spot clean	Daily (5 days)
21	Drinking fountains (interior and exterior)	Clean and disinfect	Daily (5 days)



## WORK SCHEDULE FOR JANITORIAL SERVICE

**BUILDING AND LOCATION:**

**APPROXIMATE GROSS AREA:** 15,000

Newark Library  
6300 Civic Terrace Avenue

**Hours of Work:** Monday and Tuesday – noon to 8 p.m.  
Wednesday and Thursday – 10 a.m. to 6 p.m.  
Saturday - 10 a.m. to 5 p.m.  
Sunday – 1 p.m. to 5 p.m.

### MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Supervisor)

**Security: Close and lock all doors, windows, and set alarm upon completion of work**

ITEM #	WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
<b>A</b>			
<b>Miscellaneous</b>			
1	Water fountains (interior and exterior)	Scour, disinfect, polish	Monday's
2	Interior lobby walls/partitions/doors	Dust and spot clean (remove cobwebs)	Daily (5 days)
3	Interior lobby ceiling	Remove cobwebs	Monthly
4	Glass entry doors	Clean inside and out	Daily (5 days)
5	Waste containers - interior	Clean and disinfect	Weekly
<b>B</b>			
<b>Restrooms</b>			
6	Walls/partitions/doors/surfaces	Report (photograph) and remove graffiti, gum and any other foreign matter. Send photo to Maintenance Supervisor.	Daily (5 days)
7	Walls/partitions/doors/other surfaces	Scour, clean and disinfect entire area	Monthly
8	Floors and floor drains	Scour machine wash and disinfect	Monthly
<b>C</b>			
<b>Floor Care</b>			
9	Waxed areas	Vacuum dirt catchers, clean corners, door jams and baseboards	Weekly
10	Waxed areas	Strip wax, reseal with non-slip (green) product, and machine buff	Bi-Annual
11	Chair mats	Public and private areas, spot clean, wet wipe/dust as needed	Weekly
<b>D</b>			
<b>Furnishings</b>			
12	Phones	Sanitize	Weekly
13	Tables/chairs/all counters/conference room	Report and remove graffiti and other foreign matter	Daily (5 days)
14	Fabric chairs (all)	Vacuum and spot clean	Weekly
15	Partitions, shelving, baseboards	Dust, remove all debris	Weekly
16	Bookshelves	Dust and spot clean – dust tops of books	Monthly
17	Windows and glass panels	Clean inside and outside	Quarterly
18	Ceilings	Clean for cobwebs	Monthly
19	HVAC louvers	Vacuum	Monthly
20	Clocks/pictures/partitions/doors	Dust and straighten	Bi-Annual
21	Walls/partitions/doors	Dust and spot clean	Daily (5 days)
22	Chrome fixture and fittings	Polish	Daily (5 days)
<b>E</b>			
<b>Miscellaneous</b>			
23	Day Porter – 2 to 4 p.m.	Check restrooms, clean and restock as needed. Patrol public areas and clean tables as needed. Spot clean bookshelves.	Daily (5)

**F.3 Authorization for the City Manager to sign Task Order No.1 with Mission Critical Partners, LLC in the not-to-exceed amount of \$140,622 for additional consultant services under the original Contractual Services Agreement to coordinate the procurement, installation, testing and migration of the Public Safety Answering Point in the new Police Department building for the New Civic Center, Project 1188 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**Background/Discussion** - On September 12, 2019, the City Council authorized the City Manager to negotiate and enter into an agreement with Mission Critical Partners, LLC to provide a Public Safety Answering Point (PSAP) Technology Needs Assessment, Cost Estimate and Detailed Migration Plan for the New Civic Center, Project 1188. PSAP includes all emergency communications, including 911, police dispatch, and related communications. That agreement was executed and the work is nearing completion. The PSAP is critical to the Newark Police Department and involves many different agencies and vendors to ensure a smooth and timely technical and operational migration. During the Needs Assessment and development of the Detailed Migration Plan, it became clear that additional expertise would be needed to coordinate the procurement, installation, testing and migration of equipment.

Mission Critical Partners, LLC provided a proposal to coordinate the procurement, installation, testing and migration of all required equipment for the new PSAP. A copy of the proposal is attached to the staff report. Staff is recommending that City Council authorize the City Manager to sign Task Order No. 1 with Mission Critical Partners, LLC to provide these additional essential consultant services. The not-to-exceed amount for the Task Order change is \$140,622. Funds from the previously approved project budget can be utilized to fund this Task Order change.

**Attachment** – Resolution; Task Order No.1

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to sign Task Order No. 1 with Mission Critical Partners, LLC in the not-to-exceed amount of \$140,622 for additional consultant services under the original Contractual Services Agreement to coordinate the procurement, installation, testing and migration of the Public Safety Answering Point in the new Police Department building for the New Civic Center, Project 1188.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO SIGN TASK ORDER NO. 1 WITH MISSION CRITICAL PARTNERS, LLC, IN THE NOT-TO-EXCEED AMOUNT OF \$140,622 FOR ADDITIONAL CONSULTANT SERVICES UNDER THE ORIGINAL CONTRACTUAL SERVICES AGREEMENT TO COORDINATE THE PROCUREMENT, INSTALLATION, TESTING AND MIGRATION OF THE PUBLIC SAFETY ANSWERING POINT IN THE NEW POLICE DEPARTMENT BUILDING FOR THE NEW CIVIC CENTER, PROJECT 1188

WHEREAS, the City of Newark (“City”) entered into an agreement with Mission Critical Partners, LLC. to provide a Public Safety Answering Point (PSAP) Technology Needs Assessment, Cost Estimate, and Detailed Migration Plan for the New Civic Center, Project 1188 (“Project”); and

WHEREAS, the scope of work covered in the original agreement is nearing completion; and

WHEREAS, the City requires additional consultant services to coordinate the procurement, installation and testing of equipment and the migration of the Public Safety Answering Point to the new Police Department building; and

WHEREAS, Mission Critical Partners, LLC provided an acceptable proposal for the additional and essential services required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newark that all the foregoing recitals are true and correct and are hereby incorporated as though fully set forth herein.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to sign Task Order No. 1 with Mission Critical Partners, LLC, in the not-to-exceed amount of \$140,622 for additional consultant services to coordinate the procurement, installation and testing of equipment and the migration of Public Safety Answering Point in the new Police Department building for the New Civic Center, Project 1188.



PROJECT NAME: **New Civic Center**

SHEET 1 OF 1

PROJECT NO. **CIP 1188**

TO: **Mission Critical Partners, LLC**

DATE: \_\_\_\_\_

**DESCRIPTION OF WORK**

Additional services are required to provide installation consulting service from the Public Safety Answering Point (PSAP) consultant, Mission Critical Partners, LLC. (MCP). Refer to Attachment A for a description of the scope of the additional services. All terms shall be in accordance with the original terms of the agreement entered into on September 12, 2019.

**EXTRA WORK AT AGREED PRICES**

Additional work shall not exceed the amount of **\$140,622.**

You are hereby directed to perform the herein described changes and above described work.

**NOTE: This Task Order is not effective until signed by a City of Newark and Consultant.**

City of Newark

Approval Recommended \_\_\_\_\_ Date \_\_\_\_\_  
Ray Collier, Project Manager

Approval Recommended \_\_\_\_\_ Date \_\_\_\_\_  
Soren Fajeau, Public Works Director

Approved \_\_\_\_\_ Date \_\_\_\_\_  
David Benoun, City Manager

We, the undersigned Consultant, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified and will accept as full payment therefor the prices shown above.

Mission Critical Partners, LLC

Approved: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Print Name

## ATTACHMENT A SCOPE OF WORK

Mission Critical Partners (MCP) will provide consultative services and subject matter expertise to the City of Newark (City) on their transition to the new PSAP. While this project includes multiple objectives, the overall goal of this project is to improve the delivery of emergency service to the citizens and visitors of the City through the implementation and relocation of mission critical technology components, key to a new and state-of-the-art emergency communications center.

MCP will serve as technical subject-matter experts (SMEs) in the implementation planning, installation oversight, migration, acceptance testing and cutover. By tying together critical components, a successful relocation will be realized.

### Facility Support

These services include coordination of facility (PSAP) systems and telecommunications technology, transition of staff from the former to new center, and assistance to the PSAP staff during this period. Specific to the radio implementation tasks, MCP's leadership will result in the development of an overall plan, budget tracking and monitoring of identified tasks, schedule development, tracking, and monitoring for all facets of the project. The facilities transition will also include a transition plan, schedule development and projections, tracking and monitoring, and status to completion.

MCP will work on behalf of the City to seek the most efficient and cost-effective transition of existing to new (PSAP) facility mission critical core equipment and technology. MCP aims to create a reliable, secure, state-of-the-art (PSAP) facility that transitions the existing PSAP into the new police department (PD) facility on the civic center campus. The transition includes technology, personnel, contingency operations, and conformance with local, state, and federal laws and standards. MCP proposes to complete the project at the most reasonable cost to the City by using best practices and utilizing a best-value procurement strategy.

MCP in coordination with the City will address technology infrastructure for the new facility. MCP will assist with the following actionable items during technology programming. These systems require detailed study, planning, and schedule sequencing for:

- Migration and dependencies
- Installation and validation
- Acceptance testing and documentation
- Acceptance by client
- Punch list item facilitation
- Confirm the list of existing and new mission-critical technology for transition to the new facility
- Provide project management support and coordination of third-party and city resources to transition to the new facility
- Collaborate with system stakeholders to finalize an implementation strategy for transitioning radio systems
- Coordinate and oversee technology installations and functionality, to assure alignment with local use and industry standards
- Oversee and participate in acceptance testing, including review of vendor acceptance test plans for approval
- Provide support for the City's project acceptance and facilitate project punch list items

- Assist the City in scheduling training for all systems
- Ensure sufficient training documentation is received and approved prior to training
- Ensure all as-built documentation, operational manuals, and other system documentation is provided to the City in a usable format

### PSAP Technology Systems

The following systems are affected in the move from the existing facility to the new building. Specific focus is on radio systems, and PSAP operations are listed below, but this is by no means an exhaustive list:

#### *Network Coordination*

Working with the City's staff, develop detailed schedules and plans to transition the following systems and applications to the new facility.

- Computer Aided Dispatch (CAD)/Records Management System (RMS)
- Call Handling Equipment (CHE)/Emergency Services Internet Protocol (IP) network (ESInet)
- Radio
- Logging Recorder
- Netclock

#### *Information Technology*

Confirm existing and new mission-critical technology for transition to the new facility. Coordinate with City staff on timing of new equipment, schedule set up and testing in support of facility move plan.

- Information Technology (IT) Server/Data Storage Equipment coordination
- Equipment Room Racks/Cabinets (if not provided by contractor)
- IT Operations Storage Equipment/Shelving
- Switches, routers and wireless access points (WAPs)

#### *Workstation Furniture*

Coordinate implementation of new workstation furniture to align with technology transition plans to new facility.

- IT Workstations/Monitor Array
- Administrative Phone Service

Test functionality of administrative phone services once connected at the new location and coordinate with other technology transition plans. Orchestrate phone system transition to reduce service interruption.

MCP staff will meet with the City's designees and contractors, and conduct meetings sufficient to complete the project. MCP will produce reports, schedules, and detailed forecasts for the project duration. This would apply to schedules for implementation, testing and live cutovers while adjusting to the City's master schedule for tentative and 100% occupancy of the (PSAP) PD facility.

### Facility Support Deliverables:

- Migration strategy document with detailed plan for migration tasking
- Schedules
- Meeting minutes
- Regular status reports on progress

## Radio Transition

There are many moving parts to migrating existing radio system infrastructure and integrating new components to operationalize the system reliably. MCP is prepared to conduct the following tasks:

- Vendor Coordination
- Several entities are involved for the purchasing of new equipment and migration of existing equipment.
  - MCP is prepared to work with Motorola, the local radio infrastructure installer and maintenance provider, Aviat, the Alameda County Radio Shop, and the East Bay Radio Communications Systems Authority (EBRCSA).

### System Inventory

- An accurate existing console and LAN equipment inventory at current PD
- Existing Harris Constellation and ancillary microwave equipment
- Existing Harris microwave spares that are owned by EBRCSA

### Planning, Verification, and Cutover

- Work with Alameda County to detail cutover plan including control station and console planning
- Work with Motorola and Aviat on detailed cutover plan
  - Ensure path reliability is within calculated parameters and modify as necessary
    - Coordinate with Motorola, Aviat, and Alameda County radio shop to collectively develop the detailed cutover plan for the two existing microwave paths from Newark to Coyote Hills and Sunol Ridge
  - This plan will include the relocation of the three dispatch operator positions into the new PD building
- Verify:
  - Operator positions are running the latest software version and bring up to date
  - Console positions have latest CPU hardware available
  - Specifications are being met
  - Ancillary equipment specifications are being met, such as:
    - Battery plant
    - Battery charger
    - Router

- Additional equipment
- Inventory existing Harris Constellation equipment
- If the Harris Microwave will be reutilized, verify the specifications

Work with Motorola on verification of all console software.

## Procurement

In preparation of installation and moving, the following items have been identified as needed for successful implementation.

- The City will, at a minimum, need to purchase the following items with MCP assistance:
  - Microwave antennas
  - Microwave transmission waveguide
  - Outdoor cabinet
  - 480VAC transformer
  - A one-half inch LDF transmission line for omni control station antennas
- Additionally, the list for procurements include, but are not limited to:
  - Detailed equipment list needed for the console migration and control station installations
  - Detailed equipment list for equipment required for two scenarios
    - Retain existing Harris Constellation equipment and procure equipment needed
    - New Aviat 11 GHz microwave equipment and pricing to include new antennas and waveguide as an option
    - Procure equipment after approval

## Installation Responsibility – Outdoor Cabinet Next to Tower

- Verification that cabinet has sufficient space for microwave and control stations
- Control stations mounted into cabinet
- Connection of control stations to consoles and MCD5000 desk set
- Connection of the microwave RF unit inside cabinet to the INU (indoor networking unit) in the IT room alongside of the console LAN rack
- Connection of the battery plant and charger to the INU
- Running LMR400 cable between the IT room with the INU to the outdoor cabinet
- Installation of the two microwave antennas on the Newark tower
- Installation of control station antennas on tower

## Acceptance Testing

- Detailed Acceptance Test Procedures will be developed for each technology
- Verification that three control stations are connected to the console
  - Place and receive a radio call from a radio dispatch position.
- Verification that the fourth control station is installed and properly connected to the Motorola MCD5000 deskset



- Verify that all features and functionalities are operational from the deskset
- Place and receive a radio call from the MCD5000 deskset
- Verify the path reliabilities to Coyote Peak and Sunol Ridge
- Verify that each path is properly passing information to/from Newark
- Verify that all three console positions can function on the EBRCSA system via microwave
- Execute detailed testing of all console features
- Verify operation of the standalone UPS that will be moved to the new IT room

*Radio Migration Deliverables:*

- Migration strategy document with detailed plan for migration tasking
- Schedules
- Meeting minutes
- Regular status reports on progress
- Documents related to acceptance and validation

**F.4 Update on the progress of the New Civic Center, Project 1188 – from Chief Building Official/City Architect Collier. (INFORMATIONAL)**

**Background/Discussion** – The new Civic Center is now ten months into a 24-month construction schedule. Because of a Shelter in Place Order issued by the Alameda County Public Health Officer, construction was shut down for about 6 weeks. Prior to reengaging in construction activities, Webcor developed a detailed Site-Specific Health and Safety Plan to address COVID-19 related issues. Despite the shutdown, the project remains on schedule.

The City Hall building is fully framed. The rough mechanical, electrical and plumbing is almost complete and the exterior cladding (which is mostly stucco) is underway. Roofing has started and some interior drywall has been installed.

The Police Department building is almost fully framed. The rough mechanical, electrical, and plumbing is about 25 percent complete and the exterior cladding is well underway. Roofing has begun. The foundation for the microwave tower is in and the installation of the tower will begin in August.

The Library building’s structural frame is complete. Most of the exterior cladding substrate has been installed. The rough mechanical, electrical, and plumbing installation has started.

It is anticipated that City Hall and Police staff will move into their new quarters by the end of March 2021. County Library staff will begin to occupy the new Library by the end of April 2021. Once County staff gains possession of the new building it will take them about one month to set up their operation and be ready for the public by the end of May 2021. After County staff has moved out of their existing building, demolition of the existing City Administration Building will begin. It will take approximately four months to perform the demolition, build a new parking lot, and finish the site work. The new Civic Center project should be fully completed in August 2021.

The City Council meeting presentation will include “fly through” videos of all three buildings. Each fly through will provide three-dimensional videos of the interior of the buildings showing what they will look like once completed.

**Attachments** – Power Point presentation

**Action** – None, this item is informational only.

# CIVIC CENTER UPDATE

July 23, 2020



# CITY HALL



# CITY HALL



# POLICE



# POLICE



# LIBRARY





GAYLE MFG

GAYLE MFG. CO.

G-805

Genie GS-3232  
SONITITE EQUIPMENT

LIBRARY



# CIVIC CENTER PLAZA



# CONSTRUCTION SCHEDULE

Notice to Proceed  
Issued  
April 2019

Construction  
Begins  
August 2019

City Occupies  
New Buildings  
March/April 2021

Demolition  
Begins  
April 2021

Project Completed  
August 2021

**F.5 Authorization for the City Clerk to waive business license penalties from March 16, 2020, the proclamation date of the local emergency due to COVID-19, through the end of the calendar year – from Finance Director Lee and Interim City Attorney Kokotaylo. (RESOLUTION)**

**Background** – The California Governor and the Alameda County Health Officer both declared public health emergencies in response to the COVID-19 pandemic. The City Manager proclaimed a local emergency on March 16, 2020, and it was ratified by the City Council on March 17.

The Alameda County Health Officer issued an executive order directing all residents of the County to shelter at home beginning March 17, 2020. The order limited activity, travel, and business functions to only the most essential needs. That order has been extended in Alameda County, although some restrictions have been lifted. The reopening process has been gradual but many business activities such as indoor dining, barbershops, and gyms, are still prohibited.

As a result of shelter in place and other social distancing requirements, many businesses are experiencing substantial declines in business income as a result of business closures or the loss of capacity and hours, which threatens their ability to pay rent, maintain payroll, and continue operating. Additionally, some businesses have had difficulty paying the City’s business license tax on time. As a result, the City has received inquiries about possibly paying on a deferred basis, entering into a payment plan with the City, or waiving penalties.

**Discussion** – Chapter 5.04, Business Licenses, of the Newark Municipal Code (the “Ordinance”) imposes a business license tax on businesses operating within the City and includes a provision that imposes penalties for failure to pay business license taxes on time. The Business License Taxes are based upon the calendar year with a due date of January 31. Payments received after January 31 are assessed the following penalties: 20% as of February 1, 40% as of March 1, and 50% as of April 1. Most businesses renew by January 31.

The City is obligated to impose the fee, but the City Clerk has the authority, for good cause shown, to extend the time of payment by up to thirty days and waive any penalty. The City Clerk is authorized to further compromise claims with the consent of the City Council.

The Finance Department surveyed how other cities responded to the inability of businesses to timely pay business license taxes. The survey included responses from 26 cities (5 in the Bay Area) and revealed that the majority of cities are offering to waive penalties and/or defer tax payments. Specific actions taken include:

- Defer payments for 30, 60, or 90 days;
- Imposition of penalties up to Feb 29th only;
- Deferment – No penalties for March/April;
- 30-day extension upon written request;
- Waiving penalties until further notice or upon request;
- No penalties until Shelter in Place is lifted; and

- Penalties waived if a Local State of Emergency is declared.

The business owners of Newark are an integral part of this community. To support Newark businesses, staff recommends that the City Council approve a resolution to allow the City Clerk to compromise claims as to the amount of license tax due by waiving penalty fees accrued from March 16 - the date of the proclamation of a local emergency - to the end of the calendar year. Staff projects an estimated \$52,875 in revenue reduction for penalty payments if this action is approved. For businesses that have already paid a penalty, staff recommends notifying them by postcard that they are eligible for a credit towards next year's business license tax.

The City has collected an estimated \$1.3 million from approximately 2,547 businesses from December 1st through June 30th (early renewal is reflected in this total). As of June 30th, there were approximately 279 outstanding business license renewals. The projected tax for those remaining businesses is an estimated \$80,750 in business license taxes and \$40,375 in penalties, which are assessed at 50% of the business license tax.

To date, the City has collected an estimated \$32,500 from approximately 200 businesses in penalties. This \$32,500 in revenue is excluded from the aforementioned fees collected under business license taxes.

The proposed resolution would allow the City Clerk to compromise amounts due for any penalties accrued for failure to pay business license taxes beginning March 16, 2020 through the end of the calendar year. This will not include a waiver of base business license taxes due. Penalties that have accrued or will accrue for failure to timely pay the business license tax will be waived.

Should the City Council grant the City Clerk the authority to further compromise amounts due for any business license tax penalties, staff anticipates \$12,500 in revenue would qualify as credits for the businesses for the period of March 16 through June 30, 2020.

Staff further estimates another potential \$40,375 in continued revenue reduction for the remainder of the calendar year (July 1 through December 31, 2020). This would further be a total of \$52,875 in eligible credits for the Newark business community. While this is not a substantial sum of money, it could assist Newark businesses in their recovery

**Attachment** – Resolution

**Action** – Staff recommends that the City Council adopt a resolution that authorizes the City Clerk to compromise the amount of business license taxes and penalties due during the local emergency due to COVID-19.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE CITY CLERK TO  
COMPROMISE THE AMOUNT OF BUSINESS LICENSE  
TAXES AND PENALTIES DUE DURING LOCAL  
EMERGENCY DUE TO COVID-19

WHEREAS, in accordance with Government Code Section 8630 and Newark Municipal Code Section 2.16.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the Novel Coronavirus (COVID-19), a respiratory disease that may result in serious illness or death that is easily transmissible from person to person, on March 16, 2020; and

WHEREAS, on March 17, 2020, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

WHEREAS, on May 14, 2020 and on July 9, 2020, the City Council adopted Resolutions confirming the continued existence of the local emergency; and

WHEREAS, on March 16, 2020, the Alameda County Health Officer, along with six other health officers within six Bay Area counties, took a unified step to slow the spread of COVID-19 and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home beginning March 17, 2020. The order in Alameda County limited activity, travel, and business functions to only the most essential needs and a number of businesses have been shut down entirely. The guidance comes after substantial input from the CDC and best practices from other health officials around the world; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction; and

WHEREAS, the Alameda County Health Officer has issued multiple orders extending the shelter in place order and continues to revise the health order allowing certain businesses to partially resume operations with certain safety precautions, while some businesses remain closed; and

WHEREAS, during this time of shelter in place and other social distancing, many businesses are experiencing substantial declines in business income as a result of business closures or the loss of capacity and hours, which threatens their ability to pay rent, maintain payroll, and continue operating; and

WHEREAS, many businesses may face layoffs or permanent closure as a result of the pandemic; and

WHEREAS, even as certain shelter in place restrictions begin to ease, many local businesses will continue to be negatively affected by social distancing requirements; and

WHEREAS, businesses are an integral part of the economy and community of Newark; and

WHEREAS, local businesses are a significant source of jobs, tax revenue and essential services for the community; and

WHEREAS, business closures will negatively impact the local economy by laying off employees and ceasing to provide services to residents of the City, and negatively impact local health by reducing the number of retail and commercial spaces available to provide essential services while maintaining social distancing, and will decrease tax revenues available to the City to respond to COVID-19 and other public health and safety concerns; and

WHEREAS, Chapter 5.04, Business Licenses, of the Newark Municipal Code (the “Ordinance”) imposes a business license tax on businesses operating within the City; and

WHEREAS, the Section 5.04.190 of the Ordinance imposes penalties for failure to timely pay business license taxes; and

WHEREAS, Section 5.04.140 of the Ordinance allows the City Clerk to compromise any claims for amount of tax due with consent of the City Council; and

WHEREAS, the City Council recognizes that some businesses may not be able to timely pay business license taxes due to the shelter in place restrictions that have prevented them from operating; and

WHEREAS, the City Council desires to authorize the City Clerk to compromise amounts of tax due that consist of penalties for failure to timely pay business license taxes.

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

1. That pursuant to Section 5.04.140 of the Ordinance, the City Clerk is authorized to compromise claims for amount of tax due that consist of penalties for failure to timely pay the amount of tax due beginning March 16, 2020 through December 31, 2020. This may consist of a waiver of any penalty amounts that have accrued or will accrue for failure to timely pay the business license tax, a credit for penalties already paid for failure to timely pay any amounts due after March 16, 2020, or any other form that the City Clerk deems appropriate, but shall not include waiver of base business license taxes due.

2. That this approval shall remain for any penalties accrued until December 31, 2020.

3553751.1



**F.6 Authorization to call an election on November 3, 2020 for voter consideration of an extension of the existing City of Newark Utility Users Tax; establishing related election policies and procedures; requesting consolidation of the election and requesting certain services of the Alameda County Registrar of Voters; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis – from City Manager Benoun. (RESOLUTION)**

**Summary** – The City has an existing Utility Users Tax (“UUT”) that was approved by Newark voters in 2010. Revenues generated from the UUT allowed the City to maintain and restore critical City services and programs that were eliminated due to recessionary budget cuts. The UUT was reauthorized by Newark voters in 2014 and is set to expire at the end of 2020.

Earlier this year, the City Council commissioned an independent public outreach firm to conduct public opinion research to gauge community interest in a possible ballot measure that would continue to fund City services and programs. The results indicate community interest in a potential UUT extension. On May 28, 2020, the Council received the results and directed City staff to return at a future City Council meeting with the necessary actions to place a UUT extension measure on the ballot for the upcoming General Municipal Election to be held this November.

This report and accompanying resolution implements the Council’s directive. If adopted, the resolution would: (1) place the UUT extension on the November ballot; (2) request certain election services from the Alameda County Registrar of Voters; (3) provide a procedure for the submittal of ballot arguments and rebuttals; and (4) direct the City Attorney to author an impartial analysis.

The Shelter-in-Place orders issued by the California Governor and the Alameda County Public Health Officer in response to the COVID-19 Pandemic have caused significant declines in the City’s revenues. If Newark voters do not approve reauthorization, then the Council would need to consider significant measures in order to reduce a structural budget deficit. These reductions would be in addition to the lowered service levels already approved by Council in the 2020-2022 Biennial Budget.

**Background** – In November 2010, Newark voters approved Measure U, a 3.5% Utility User Tax (“UUT”) within the City of Newark. The UUT was applied to electricity, natural gas, telecommunications, and cable television (not satellite or internet) and included exemptions for low income residents and senior citizens over the age of 70.

In early 2011 – and in response to anticipated increased City revenues as a result of the voters passing Measure U – the City Council adopted a Budget Restoration Plan that included the following:

- Reopening the Senior Center;
- Adding 2 Police Officers including a Detective and a School Resource Officer;

- Reinstating the Neighborhood Watch Program and expanding a police volunteer program;
- Increasing park and landscape maintenance throughout the City;
- Increasing street sweeping from once every two months to once per month;
- Reinstating the Ash Street Summer Program, which serves at-risk youth;
- Reinstating the School Crossing Guard Program;
- Adding Community Preservation staffing;
- Funding for Citywide Capital Improvements: and
- Rebuilding the City’s fiscal reserves.

In 2014, the Council held budget work-sessions to review budget projections, which, at that time, indicated that anticipated revenue growth would not keep up with projected expenditures and that without an extension of the UUT, programs and services would have to be reduced or eliminated in order to achieve balanced budgets.

Consequently, the Council directed placement of Measure Y on the ballot, which reauthorized the UUT and extended it until December 31, 2020. Measure Y was overwhelmingly approved by Newark voters with 75% voting to continue this local funding. Measure Y also reduced the UUT rate from 3.5% to 3.25%.

2020-2022 Biennial Budget and COVID-19 Pandemic

On February 13, 2020, the Council began the 2020-2022 Biennial Budget development process by holding a work session. At that time, the Council reviewed four permutations of revenue and expenditure projections that included two projections with a renewal of the UUT at the existing rate and two without the UUT, as well as two projections with a baseline economy (which assumed a steady and slow growth) and two with a downturn in the economy. All four projections show that a renewal of the UUT is necessary if there is a desire to continue funding existing City programs and services and also make recommended reserve contributions.

The following month, various governmental agencies (including the City of Newark) declared emergencies as a result of the COVID-19 Pandemic. Unprecedented “Shelter-in-Place” Orders (“SIP”) were issued by the California Governor and Alameda County Public Health Officer directing all residents to stay at home and only leave their residences to perform essential activities. As a result of the SIP, multiple businesses were required to shut down completely and were prohibited from engaging in business activity. While some businesses are now able to operate, many remained closed and it is unknown when they can re-open.

On April 23, staff presented to the Council a comprehensive analysis outlining the impacts of the SIP’s on City’s revenue streams with particular emphasis on reduced sales tax, transient occupancy tax (commonly known as “hotel tax”), and charges for services. The Council held a budget work session on May 28 in which staff presented recommendations to the Council to reduce the multi-million dollar projected deficits. The Council reviewed a draft 2020-2022 Biennial Budget on June 11 and adopted it on June 25.

The 2020-2022 Biennial Budget includes \$6.3 million in reductions from the 2019-20 adjusted budget. These reductions include not funding non-essential positions, elimination of non-essential travel and training, reduction in contractual services and supplies, and labor concessions (employee bargaining units agreed to eliminate the negotiated general salary increase due July 1, 2020). Despite these measures, a \$14 million budget deficit remains and the budget was balanced by using reserves.

These budget reduction measures will result in a number of impacts to services including, but not limited to: reduced park landscaping; decreased pot-hole repairs and roadside cleanups; slower plan review times; and delayed engineering services. In addition, the budget includes a suspension of child care services and most recreation programs, as well as elimination of additional Sunday library hours.

**Discussion** – Despite the City’s continued conservative budget balancing measures, revenue growth is not projected to keep up with projected expenditures. Moreover, the SIP orders that were issued to combat the COVID-19 pandemic have caused substantial declines in the City’s revenue sources (particularly sales tax, transient occupancy tax, and charges for services) – the extent and duration of which remains to be seen.

The UUT generates approximately \$2.75 million per year in locally-controlled funding and represents 5% of the City’s general fund revenue. Further, the UUT supports a number of critical programs and services in the City including adequate public safety staffing, park landscaping and maintenance, street repairs, community preservation, and school crossing guards. If the UUT is not authorized, then it is anticipated that the Council will need to revisit the 2020-2022 Biennial Budget to address the significant structural budget deficit by considering further budget reduction measures in addition to what was previously authorized.

#### Public Opinion Research

Earlier this year, the City Council directed staff to facilitate public opinion research to evaluate possible public interest for an extension of the existing UUT to address the projected operating budget deficit and maintain essential services.

The City retained the services of Godbe Research, an independent public outreach firm, to prepare and conduct public opinion sampling and evaluation of possible public interest in an extension of the existing UUT.

Godbe Research completed its work and presented the survey results to the City Council on May 28. In summary, the results indicate community support for a 9-year extension of the UUT at the current rate. This support is tied to maintaining existing critical City services that are currently being supported by UUT revenue and maintaining the current exemptions for seniors 70 years of age and older and low income residents. The results also indicate that a majority of those polled have a favorable opinion of the job the City of Newark is doing in providing City services and in managing taxpayer dollars.

At the end of the presentation, the City Council directed staff to return at a future City Council meeting with the necessary actions to place a measure on the November 3, 2020 ballot that would extend the UUT beyond the current sunset date.

#### Summary of Election Actions

In order to place a proposed UUT Extension Ordinance on the ballot for the November 3, 2020 General Election, staff has prepared a resolution that accompanies this staff report and generally does the following:

- Calls for an election and places the UUT extension on the November ballot for voter consideration.
- Requests the services of the Alameda County Registrar of Voters to place the UUT extension on the November ballot.
- Provides the procedure for the submittal of ballot arguments and rebuttals.
- Directs the City Attorney to prepare and submit an impartial analysis showing the effect of the measure on existing law.

#### Ballot Question

The State Elections Code requires the ballot measure to be printed in the ballot pamphlet in the form of a “yes or no” ballot question of no more than 75 words. The ballot question must include a true and impartial statement of the nature of the ballot measure. The ballot question for City Council consideration, which has been reviewed by the City Attorney, is as follows:

*“To maintain critical City services, including 911 emergency response/fire protection/public safety; streets/pothole repair; parks/recreation; neighborhood police patrols, crime prevention, drug/gang-prevention programs; and other city services; shall the measure extending the City of Newark’s existing voter-approved utility users tax 9 years at the current 3.25% rate, providing \$2,750,000 annually, exempting seniors and low-income residents, requiring audits, with no increase in tax rate and no money for Sacramento, be adopted?”*

#### Ballot Arguments & Rebuttal Arguments

The State Elections Code allows the City Council to determine its interest in authoring an argument in favor of the ballot measure. Arguments of no more than 300 words each for and against the ballot measure can then be included in the voter information guide. The arguments must be submitted to the City Clerk, as the Elections Official, by 4:00 p.m. on August 6, 2020.

The State Elections Code also allows the City Council to determine its interest in allowing rebuttals. Any rebuttals, of no more than 250 words, must be submitted to the City Clerk no later than ten days after arguments are due. The rebuttals must be submitted to the City Clerk by 4:00 p.m. on August 17, 2020. If there is no argument put forward in opposition to the ballot measure, then there will be no rebuttal.

State law provides the orderly process by which the City Clerk selects the arguments for and against a ballot measure. Importantly, the City Council or members of the City Council are given priority if they submit an argument related to a ballot measure with varying levels of priority given to other individuals, groups and organizations.

The City Council has options regarding the preparation of ballot arguments and rebuttals, including the Mayor signing on behalf of the Council or the entire Council approving arguments and rebuttals in compliance with the Brown Act. In 2010 and 2014, the City Council authorized the Mayor to prepare and submit the argument and rebuttal for the UUT. Staff recommends that the City Council repeat this process and authorize the Mayor to prepare and submit the argument along with community members.

**Summary** – Staff recommends that the City Council adopt a resolution submitting a proposed ordinance on the November 3, 2020 ballot for voter consideration extending the existing UUT for a period of nine (9) years. The UUT would include exemptions for other governmental bodies, for low-income residents based on qualification for the PG&E CARE Program, and for seniors age 70 and older. The City Attorney will be directed to prepare the impartial analysis of the measure. The Mayor will be designated to prepare and submit a ballot argument and rebuttal for the measure.

**Attachment** – Proposed Resolution

**Action** - Staff recommends that the City Council, by resolution:

1. Call an election placing the UUT extension on the November 3, 2020, ballot for voter consideration and consolidating with the General Election;
2. Requesting the services of the Alameda County Registrar of Voters to place the UUT extension on the ballot;
3. Authorizing the Mayor to prepare and submit arguments; and
4. Directing the City Attorney to prepare the impartial analysis of the measure.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK CALLING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR VOTER CONSIDERATION OF A BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO AMEND MUNICIPAL CODE CHAPTER 3.18 TO EXTEND THE TERM OF THE CITY'S EXISTING UTILITY USERS TAX WITHOUT A RATE INCREASE; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; REQUESTING CERTAIN SERVICES OF THE REGISTRAR OF VOTERS OF ALAMEDA COUNTY WITH RESPECT TO THE CONSOLIDATED GENERAL MUNICIPAL ELECTION; AND PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS

WHEREAS, the City of Newark (the "City") is authorized to levy a Utility Users Tax ("UUT"); and

WHEREAS, Chapter 3.18 of the Newark Municipal Code establishes a UUT of three and one quarter percent (3.25%) within the City; and

WHEREAS, the UUT is paid by recipients of telecommunications, video, electric and gas utility services, collected by the utilities as part of regular billing, and remitted to the City; and

WHEREAS, the UUT will automatically expire on December 31, 2020; and

WHEREAS, the UUT raises approximately two million seven hundred fifty thousand dollars (\$2,750,000) annually of the City's General Fund Budget; and

WHEREAS, the City wishes to maintain vital services for thousands of Newark citizens every year; and

WHEREAS, extending voter-approved locally controlled funding with no increase in tax rate will maintain public safety, pothole repair and street maintenance, crime prevention, parks and recreation programs and other city services with funding that cannot be taken by the State; and

WHEREAS, the public has indicated that maintaining 911 emergency response times and fire protection is a top priority; and

WHEREAS, continuing this local funding will help keep community police officers on the streets to maintain successful crime fighting efforts that keep Newark residents safe; and

WHEREAS, the City wishes to prevent severe cuts to critical resident services in these challenging times; and

WHEREAS, voter-approved, locally controlled funding has helped maintain the City's emergency reserves and fiscal stability; and

WHEREAS, by law, all funds from an extension of existing, voter-approved local funding must continue to stay in Newark to maintain local services – no funds can be taken by Sacramento or the federal government; and

WHEREAS, all funds will continue to be subject to mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, Newark voters first approved the UUT in November 2010 and extended the UUT in November 2014; and

WHEREAS, Article XIIC, section 2(b) of the California Constitution requires that any general tax for unrestricted general revenue purposes, such as a utility users tax, must be submitted to and approved by a majority vote of the voters voting on the issue of imposing any general tax; and

WHEREAS, the tax extension imposed by this proposed measure will only become effective if approved by a simple majority of the City's voters voting on the question at the November 3, 2020 election; and

WHEREAS, based on all of the information presented at the July 23, 2020 meeting of the City Council, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA, review is not required.

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

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a measure to the voters for their consideration pursuant to Elections Code Section 9222 and Government Code Section 53724.

Section 3. Pursuant to the requirements of the laws of the State of California, the City Council hereby calls an election at which it shall submit to the qualified voters of the City of Newark a measure that, if approved by a majority vote, would extend the term of the UUT, without a rate increase, for an additional nine (9) years. This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to California Elections Code Section 10400 et seq., the election for this measure shall be consolidated with the established statewide election to be conducted on November 3, 2020.

Section 4. The City Council does hereby submit for adoption by the qualified voters of the City of Newark at the General Municipal Election of November 3, 2020, the following question:

<p>“To maintain critical City services, including 911 emergency response/fire protection/public safety; streets/pothole repair; parks/recreation; neighborhood police patrols, crime prevention, drug/gang-prevention programs; and other city services; shall the measure extending the City of Newark’s existing voter-approved utility users tax 9 years at the current 3.25% rate, providing \$2,750,000 annually, exempting seniors and low-income residents, requiring audits, with no increase in tax rate and no money for Sacramento, be adopted?”</p>	YES	
	NO	

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the “Measure”) hereto. If a simple majority of the qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted and shall be in full force and effect ten (10) days after the date the vote is declared by the City Council of the City of Newark. The City Council hereby approves the Measure, attached as Exhibit A, the form thereof, and its submission to the voters of Newark at the November 3, 2020 election.

Section 6. The Board of Supervisors of Alameda County is hereby requested to permit the Alameda County Registrar of Voters to provide such services as may be necessary to properly and lawfully hold and conduct a Consolidated General Municipal Election in the City on November 3, 2020, pursuant to this Resolution, including but not restricted to the providing and printing of ballots and polling place cards, election supplies, voting booths, flags, registration lists and any other materials and services required to lawfully conduct the election. The City recognizes that additional costs will be incurred by the County by reason of this Consolidated General Municipal Election, and the City agrees to reimburse the County based on the County's established rates. This request is made pursuant to California Elections Code Sections 10002 and 10403.

Section 7. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Alameda County and the Registrar of Voters of Alameda County.



Section 8. Unless otherwise specified in this Resolution, the General Municipal Election shall be held and conducted as provided in Resolution No. 11,084, and as provided by law for holding municipal elections.

Section 9. (a) In accordance with Elections Code Sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed 300 words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by not more than five (5) persons.

(b) In accordance with Elections Code Section 9282, the following headings, as appropriate, shall precede the arguments' wording, but shall not be counted in the 300 word maximum: "Argument Against Measure \_\_\_\_\_" or "Argument In Favor Of Measure \_\_\_\_\_" (the blank spaces being filled only with the letter or number, if any, designating the Measure).

(c) In accordance with Elections Code Section 9283, printed arguments submitted to voters in accordance with Section 9282 of the Elections Code shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk prior to 4:00 p.m. on August 6, 2020.

(d) The City Council hereby authorizes Mayor Nagy to prepare and file a ballot argument in favor of the ballot measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure. Members of the City Council who sign the ballot argument may use their titles. In accordance with Elections Code Section 9287, any council members authorized by the City Council to do so may sign the argument in favor of the Measure.

Section 10. (a) Pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure, that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

(b) Rebuttal arguments shall not exceed 250 words and may be signed by not more than five persons. However, only the first five persons to sign will be printed with the ballot measure. The persons that sign the rebuttal arguments may be different persons than the persons that signed the direct arguments.

(c) The last day for submittal of rebuttal arguments for or against the Measure shall be by 4:00 p.m. on August 17, 2020.

(d) The City Council hereby authorizes Mayor Nagy to prepare and file a rebuttal argument in favor of the ballot measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure, who may be different from the people who signed the

argument in favor of the measure. Members of the City Council who sign the rebuttal argument may use their titles. In accordance with Elections Code Section 9287, any council members authorized by the City Council to do so may sign the rebuttal argument for the Measure.

Section 11. In accordance with Elections Code Section 9280, the City Attorney is directed to file with the City Clerk, by 4:00 p.m. on August 6, 2020, an impartial analysis of the Measure, not to exceed 500 words, showing the effect of the Measure on the existing law and the operation of the Measure.

Section 12. (a) The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Alameda County and the Alameda County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause a synopsis of the Measure attached as Exhibit A to be published once in a newspaper of general circulation in accordance with California Elections Code Section 12111 and California Government Code Section 6061. A copy of the Measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the Measure in the time, form, and manner required by law.

(b) In all particulars not recited in this Resolution, and except as provided for in Elections Code Sections 10403 and 10418, the election shall be held and conducted as provided by law for holding municipal elections.

Section 13. The City Manager, City Attorney and City Clerk (“City Officers”) are authorized to make all approvals, expend funds, enter into any agreements, and take any and all actions necessary or appropriate to carry out and implement the terms of this Resolution and to administer the City’s obligations, responsibilities and duties to be performed herein.

Section 14. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”), based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This resolution places a measure on the ballot that, if approved, extends the term of the UUT, without a rate increase, for an additional nine (9) years; thus, it can be said with certainty that there is no possibility that the Measure will have a significant effect on the environment.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NEWARK AMENDING  
CHAPTER 3.18 OF THE NEWARK MUNICIPAL CODE  
RELATING TO THE UTILITY USERS TAX

WHEREAS, the City of Newark (the “City”) is authorized to levy a Utility Users Tax (“UUT”); and

WHEREAS, Chapter 3.18 of the Newark Municipal Code establishes a UUT of three and one quarter percent (3.25%) within the City; and

WHEREAS, the UUT is paid by recipients of telecommunications, video, electric and gas utility services, collected by the utilities as part of regular billing, and remitted to the City; and

WHEREAS, the UUT will automatically expire on December 31, 2020; and

WHEREAS, the UUT raises approximately two million seven hundred fifty thousand dollars (\$2,750,000) annually of the City’s General Fund Budget; and

WHEREAS, the City wishes to maintain vital services for thousands of Newark citizens every year; and

WHEREAS, extending voter-approved locally controlled funding with no increase in tax rate will maintain public safety, pothole repair and street maintenance, crime prevention, parks and recreation programs and other city services with funding that cannot be taken by the State; and

WHEREAS, the public has indicated that maintaining 911 emergency response times and fire protection is a top priority; and

WHEREAS, continuing this local funding will help keep community police officers on the streets to maintain successful crime fighting efforts that keep Newark residents safe; and

WHEREAS, the City wishes to prevent severe cuts to critical resident services in these challenging times; and

WHEREAS, voter-approved, locally controlled funding has helped maintain the City’s emergency reserves and fiscal stability; and

WHEREAS, by law, all funds from an extension of existing, voter-approved local funding must continue to stay in Newark to maintain local services – no funds can be taken by Sacramento or the federal government; and

WHEREAS, all funds will continue to be subject to mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, Newark voters first approved the UUT in November 2010 and extended the UUT in November 2014; and

WHEREAS, the People of the City of Newark desire to extend the term of the UUT, without a rate increase, for an addition nine (9) year period.

**NOW, THEREFORE**, the People of the City of Newark do ordain as follows:

**Section 1. Recitals.**

The above recitals are true and correct and made a part of this Ordinance.

**Section 2. Municipal Code Amendment.**

Section 3.18.240, "Termination of utility users tax" of the Newark Municipal Code is hereby amended to read as follows (deletions in ~~strike through~~; additions in *italics*):

3.18.240 - Termination of utility users tax.

The levy of taxes as provided in this chapter shall expire on *December 31, 2029* ~~December 31, 2020~~, unless reenacted by a separate ordinance approved by a vote of the People of the City of Newark conducted pursuant to law. The termination of the levy of taxes as provided herein shall not terminate the obligation to pay taxes levied on services used prior to such date. Taxes levied prior to *December 31, 2029* ~~December 31, 2020~~, shall remain a debt payable to the city. All provisions of this chapter except those relating to the levy of taxes shall continue in full force and effect after such date.

**Section 3. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Newark hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**Section 4. Amendment or Repeal.**

Chapter 3.18 of title 3 of the Newark Municipal Code may be repealed or amended by the City Council without a vote of the People. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this Ordinance. The People of the City of Newark affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Ordinance if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax or any definition applicable to the tax so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Ordinance;

C. The establishment of a class of person that is exempt or excepted from the tax or the discontinuation of any such exemption or exception other than the discontinuation of an exemption or exception specifically set forth in this Ordinance; and,

D. The collection of the tax imposed by this Ordinance, even if the City had for some period of time failed to collect the tax.

**Section 5. Codification.** Upon adoption of this Ordinance pursuant to the voter approval referenced above, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Newark Municipal Code.

**Section 6. Publication and Effective Date.**

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. If this Ordinance is approved by a majority of the voters voting on the issue at the November 3, 2020 election, pursuant to Elections Code Section 9217, this Ordinance shall become effective ten (10) days after the Council declares the results of the election.

3557363.1



# RESOLUTION

Extension of Existing  
City of Newark

UTILITY USERS TAX





**RESOLUTION**  
Extension of Existing  
City of Newark  
UTILITY USERS TAX





# Recommended Actions

1. Place the UUT on the November ballot
2. Request certain election services from the Alameda County Registrar of Voters
3. Provide a procedure for submittal of ballot arguments and rebuttals
4. Direct City Attorney to author impartial analysis





# History of UUT

---

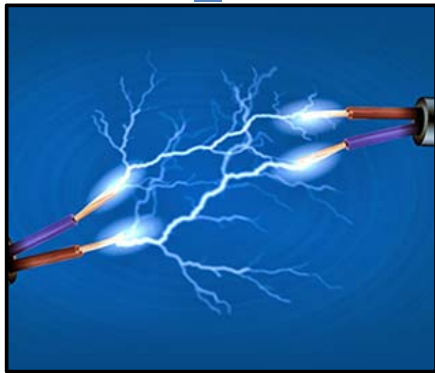




# Background **Utility Users Tax**

**November 2010**

Voters approved Measure U – 3.5% Utility Users Tax (UUT)



Electricity



Natural Gas



Telecommunications



Cable Television  
Not Satellite/Internet



# Background **Utility Users Tax**



## Included Exemptions for

Low Income Residents (enrolled in "PG&E CARE Program")

Senior Citizens 70 years of age and over



# Background **Utility Users Tax**



## **Early 2011**

In response to anticipated increased City revenues as a result of the voters passing Measure U.

- City Council adopted a **Budget Restoration Plan**



# Background **Utility Users Tax**

## Budget Restoration Plan

Reopened  
the Senior  
Center

Added 2  
Police  
Officers  
(Detective  
and SRO)

Reinstated  
Neighborhood  
Watch  
Program

Increased  
landscape  
maintenance  
and street  
sweeping



# Background **Utility Users Tax**



## Budget Restoration Plan

Reopened  
the Senior  
Center

Added 2  
Police  
Officers  
(Detective  
and SRO)

Reinstated  
Neighborhood  
Watch  
Program

Increased  
landscape  
maintenance  
and street  
sweeping



# Background **Utility Users Tax**



**In 2014**

Council held budget work-sessions to review budget projections

## Indicated Without Extension

Anticipated revenue growth would not keep up with projected expenditures.

Programs and services would have to be reduced or eliminated to balance budgets.



# Background **Utility Users Tax**

In 2014

Council placed **Measure Y** on the ballot

Indicated Without Extension

Anticipated revenue growth would not keep up with projected expenditures.

ended U  
through  
ber 31,

Programs and services would have to be reduced or eliminated to balance budgets.





# Background **Utility Users Tax**



**2014**

## Measure Y

- Overwhelmingly approved by voters

Measure Y		
Result	Votes	%
Yes	5,655	74.99%
No	1,886	25.01%

# 2020-2022 Biennial Budget – COVID-19 Pandemic





# 2020-2022 Biennial Budget **COVID-19 Pandemic**

**February 13, 2020**

## **Council**

- Began 2020-2022 Biennial Budget development process
- Held a work session

<b>Measure Y</b>		
<b>Result</b>	<b>Votes</b>	<b>%</b>
Yes	5,655	74.99%
No	1,886	25.01%



## FOUR PERMUTATIONS

1

### Baseline Forecast

With the UUT  
(assumed steady  
and slow growth)

2

### Baseline Forecast

Without the  
UUT

3

### Economic Downturn

With the UUT

4

### Economic Downturn

Without the  
UUT



# 2020-2022 Biennial Budget COVID-19 Pandemic

## FOUR PERMUTATIONS

1

Baseline

2

Baseline

3

Economic

4

Economic

**UUT IS NECESSARY**

and slow growth)

**ORDER OF THE HEALTH OFFICER  
OF THE COUNTY OF ALAMEDA DIRECTING  
ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR  
PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO  
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR  
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR  
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;  
EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM  
THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND  
SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT;  
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO  
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN  
THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS  
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF  
ALL NON-ESSENTIAL TRAVEL**

**DATE OF ORDER: MARCH 16, 2020**

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*)**

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA ("HEALTH OFFICER") ORDERS:**

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

Residents to stay home

19 Multiple businesses  
ic required to shut down  
completely

declare emergencies  
Some businesses are  
now able to operate and  
some are not

Extended duration of SIP  
is unknown



# Comprehensive Analysis **Impacts - SIP**

**April 23, 2020**

## **Staff presented Council**

Comprehensive analysis outlining impacts of SIP on the City's revenue streams.

**Reduced**

Sales Tax

**Reduced**

Transient  
Occupancy Tax  
"Hotel Tax"

**Reduced**

Charges for  
services



# 2020-2022 Biennial Budget **COVID-19 Pandemic**

## Reductions include

1	2	3	4
Not funding	Elimination of	Reduction in	Labor
Resulted in <b>\$6.3 million</b> in reductions from the 2019-2020 adjusted budget.			
			negotiated general salary increase due July 1, 2020





# 2020-2022 Biennial Budget **COVID-19 Pandemic**

## Despite measures

Resulted in **\$6.3 million** in reductions from the 2019-2020 adjusted budget.

2020-2022 Biennial Budget was balanced by using reserves.



## Impacts to services

Reduced park landscaping.

Decreased pot-hole repairs and roadside cleanups.

Slower plan review times.

Delayed engineering services.

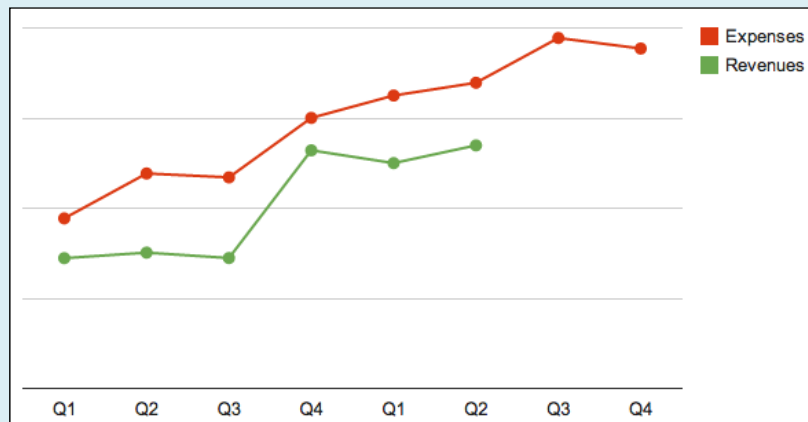
Suspension of childcare services and most recreation programs.

Elimination of additional Sunday Library hours.



# Discussion **Despite conservative budget balancing measures**

## Revenue Growth Projection



Revenue growth not projected to keep up with expenditures.

## Revenue Sources SIP Orders Caused




Particularly Sales Tax, Transient Occupancy Tax, charges for services.



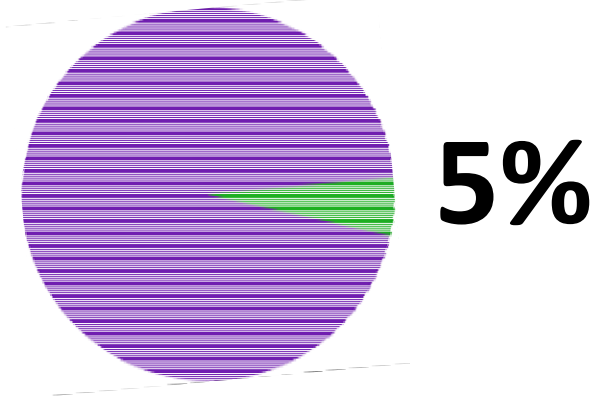
# Discussion **Utility Users Tax**

## UUT Generates

 **2.75 million**  
per year

Locally-controlled funding

## UUT - Revenues



Supports critical  
programs & services



# Discussion **Utility Users Tax**

**Including**

Public Safety  
Staffing

Park  
Landscaping &  
Maintenance

Street Repairs

Community  
Preservation

School Crossing  
Guards



## Discussion **Utility Users Tax**



### **If UUT is not authorized**

Council will need to revisit the 2020-2022 Biennial Budget

- Address significant structural budget deficit by considering further budget reduction measures.

# Public Opinion Research





# Public Opinion Research

Council directed staff to facilitate  
**PUBLIC OPINION RESEARCH**

Evaluate possible public interest for an  
extension of the existing UUT.

[Start Survey ▶](#)







# Public Opinion Research

## Godbe Research

Independent public outreach firm

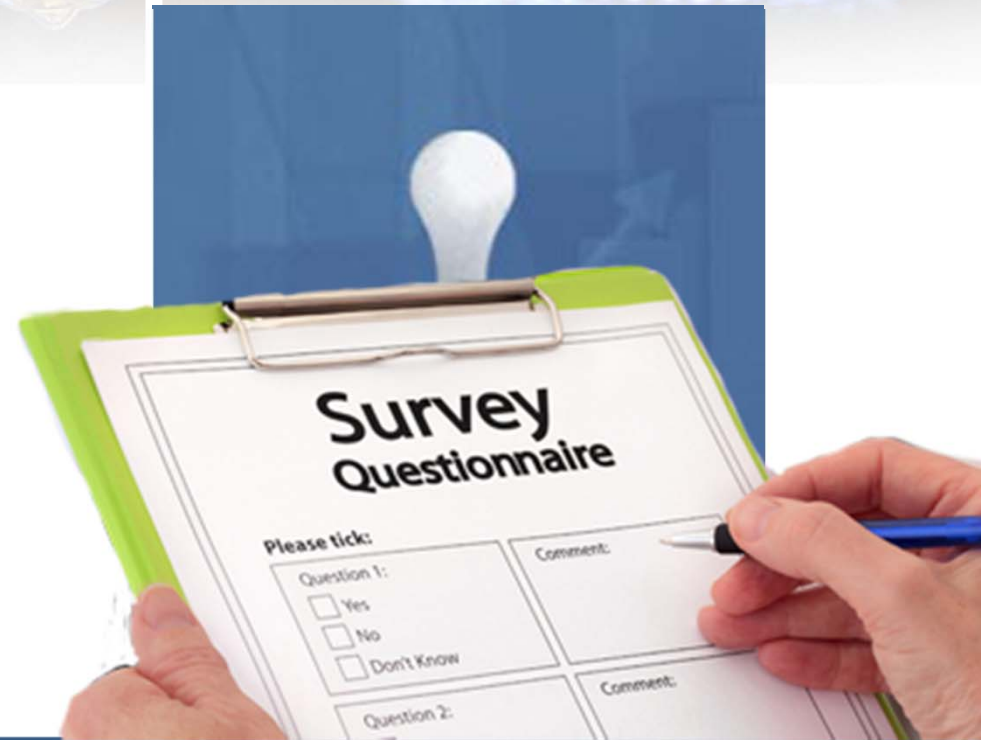
- Prepare and conduct public opinion sampling and evaluation.





# Public Opinion Research

**Survey results indicate**  
Community support for a  
9-year extension of the UUT  
at the current rate.





# Public Opinion Research

## Support is tied to

Maintaining existing critical services and current exemptions for:

- Seniors 70 years of age or older
- Low-income residents



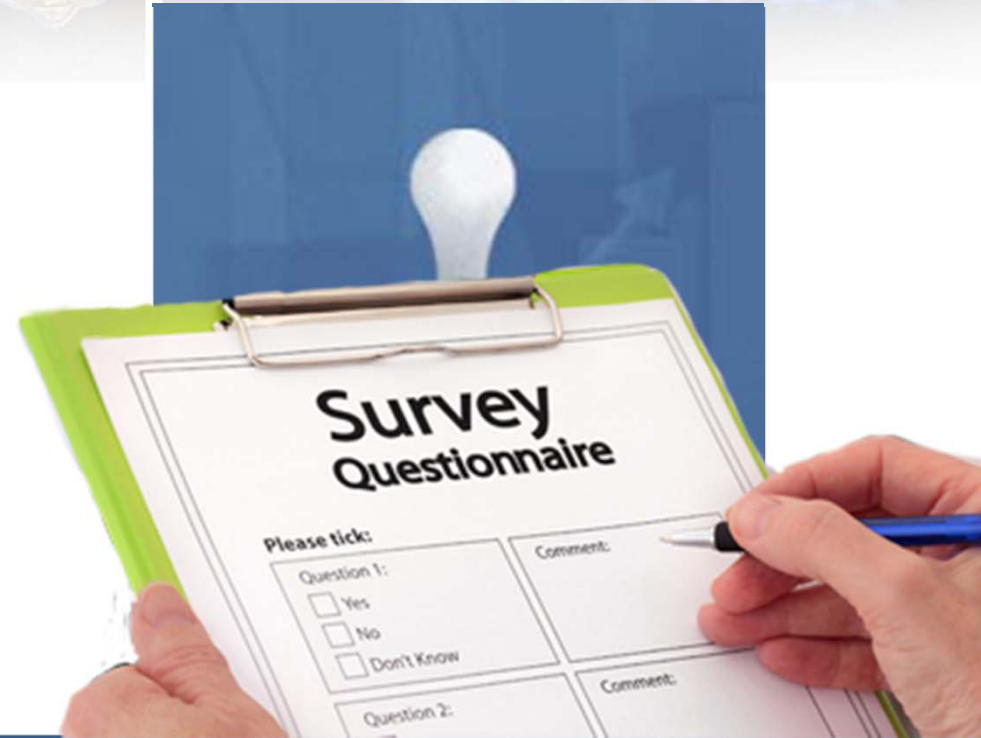


# Public Opinion Research

## Results also indicate

Majority of those polled have a favorable opinion of the job the City of Newark is doing

- Providing City services
- Managing taxpayer dollars







# Summary of Election Actions

## Place a proposed UUT Extension Ordinance on the ballot for the November 3, 2020 General Election.

Staff has prepared a resolution

### RESOLUTION NO. XXXX

RESOLUTION PROPOSING THE PLACEMENT OF THE UTILITY USERS TAX (UUT) EXTENSION ORDINANCE ON THE BALLOT FOR THE NOVEMBER 3, 2020 GENERAL ELECTION.

Calls on election placing the UUT extension on the November ballot for voter consideration.

Requests the services of the Alameda County Registrar of Voters to place the UUT extension on the November ballot.

Provides the procedure for the submittal of ballot arguments and rebuttals.

Directs the City Attorney to prepare and submit an impartial analysis.

The background of the slide is a dense, overlapping pattern of white envelopes. Each envelope has a large, black, stylized question mark printed on its front. A small black dot is visible on the top flap of each envelope, suggesting a hole punch. The envelopes are scattered across the entire frame, creating a textured, repetitive pattern.

# Ballot Question



# Ballot Question

**CALIFORNIA**  
**BALLOT PAMPHLET**



- State Elections Code requires the ballot measure to be printed in the form of a:

<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

- No more than 75 words



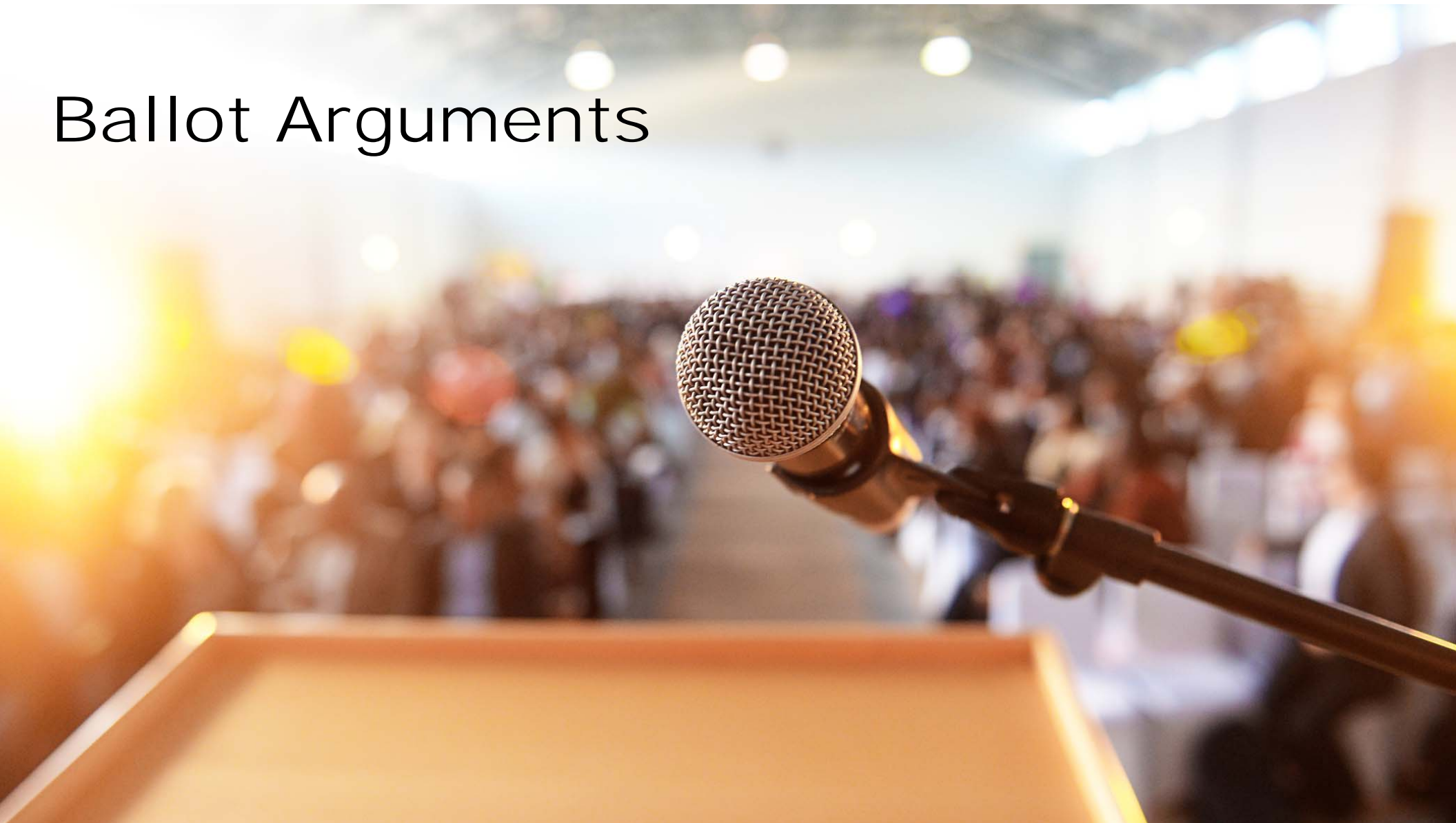


# Ballot Question

**CALIFORNIA**  
**BALLOT PAMPHLET**

“To maintain critical City services, including 911 emergency response/fire protection/public safety; streets/pothole repair; parks/recreation; neighborhood police patrols, crime prevention, drug/gang prevention programs, and other city services; shall the measure extending the City of Newark’s existing voter-approved utility users tax 9 years at the current 3.25% rate, providing \$2,750.000 annually, exempting seniors and low-income residents, requiring audits, with no increase in tax rate and no money for Sacramento, be adopted?”

# Ballot Arguments





# Ballot Arguments

## State Elections Code

### Allows Council to

Determine its interest in authoring an argument in favor of the ballot measure.

### Arguments

No more than 300 words each for and against the ballot measure can be included.

### Submission

Arguments must be submitted to the City Clerk by 4:00 p.m. on August 6, 2020.



# Rebuttal Arguments **State Elections Code**

## Allows Council to

Determine its interest in authoring an argument in favor of the ballot measure.

## Arguments

No more than 300 words each for and against the ballot measure can be included.

## Submission

Arguments must be submitted to the City Clerk by 4:00 p.m. on August 6, 2020.



# Ballot & Rebuttal Arguments **State Law Provides**

Allows Council to	Rebuttals	Submission
<p>Determine its interest in allowing rebuttals.</p>	<p>No more than 250 words must be submitted to the City Clerk.</p>	<p>Rebuttals must be submitted to the City Clerk by 4:00 p.m. on August 17, 2020.</p>



# Ballot & Rebuttal Arguments **Options**

## City Council

Has options regarding the preparation of ballot arguments and rebuttals.

## Signing

Mayor signing on behalf of the Council.

OR

## Approving

The entire Council approving arguments and rebuttals in compliance with the Brown Act.



# Ballot & Rebuttal Arguments

## In 2010 & 2014

City Council authorized the Mayor to prepare and submit the argument and rebuttal for the UUT.

Staff Recommends		
City Council repeat same process used in: 2010 – Measure U & 2014 – Measure Y		Authorize Mayor to prepare/submit the argument with other community members.



# Summary



## **Staff Recommends**

City Council adopt a resolution submitting a proposed ordinance on the November 3, 2020 ballot for voter consideration extending the existing UUT for a period of (9) years.





# Summary

## UUT Ordinance

### Exemption

Other governmental bodies.

Low-income residents (enrolled in the “PG&E CARE Program”).

Seniors age 70 and over.



# Summary **Ballot Preparation**



## City Attorney

The City Attorney will be directed to prepare the impartial analysis of the measure.

## Mayor

The Mayor will be designated to prepare and submit a ballot argument and rebuttal for the measure.

## Summary of Proposed Resolution

1. Call an election placing the UUT extension on the November 3, 2020 ballot.
2. Requesting Alameda County Registrar of Voters to place the UUT extension on the ballot.
3. Authorizing Mayor to prepare and submit arguments.
4. Directing City Attorney to prepare impartial analysis of the measure.

**QUESTIONS?**





City of Newark

**MEMO**

**DATE:** July 13, 2020  
**TO:** City Council  
**FROM:** Sheila Harrington, City Clerk  
**SUBJECT:** Approval of Audited Demands for the City Council Meeting of July 23, 2020.

**REGISTER OF AUDITED DEMANDS**

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
July 06, 2020	Page 1	1000	Inclusive
July 09, 2020	Page 1-4	1001 to 1034	Inclusive




City of Newark

MEMO

**DATE:** July 13, 2020  
**TO:** Sheila Harrington, City Clerk  
**FROM:** Krysten Lee, Finance Director  
**SUBJECT:** Approval of Audited Demands for the City Council Meeting of July 23, 2020.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.

 07/13/20

LIVE Newark CA LIVE  
**Payment Batch Register**  
 Bank Account: AP - ZBA ACCOUNTS PAYABLE  
 Batch Date: 07/06/2020

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
<b>Bank Account: AP - ZBA ACCOUNTS PAYABLE</b>					
Check	07/06/2020	1000 Accounts Payable	UNITED STATES POSTMASTER		1,798.00
	Invoice		Date	Description	Amount
	JULY 6, 2020		07/06/2020	BULK MAIL POSTAGE	1,798.00
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 1		\$1,798.00
Checks:		1	\$1,798.00		

**LIVE Newark CA LIVE**  
**Payment Batch Register**  
 Bank Account: AP - ZBA ACCOUNTS PAYABLE  
 Batch Date: 07/09/2020

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
<b>Bank Account: AP - ZBA ACCOUNTS PAYABLE</b>					
Check	07/09/2020	1001 Accounts Payable	4LEAF INC		285.23
	Invoice	Date	Description		Amount
	J0570-19C	07/06/2020	PO# 72448 - PLAN REVIEW SERVICES JULY 2019		285.23
Check	07/09/2020	1002 Accounts Payable	ADAMSON POLICE PRODUCTS		460.95
	Invoice	Date	Description		Amount
	LV039626	01/08/2020	BACKORDERED SIX ROUND 40MM CARRIER FOR DEFTECH 1425 PO #72752		460.95
Check	07/09/2020	1003 Accounts Payable	AFLAC		1,363.24
	Invoice	Date	Description		Amount
	166515	07/01/2020	SHORT TERM DISABILITY PREMIUM		1,363.24
Check	07/09/2020	1004 Accounts Payable	ALAMEDA COUNTY SHERIFF'S OFFICE		400.00
	Invoice	Date	Description		Amount
	290131-0620-6459	06/29/2020	RANGE B 06/23/20 FOR OFCR TRAINING PO #72252		400.00
Check	07/09/2020	1005 Accounts Payable	CENTRAL VETERINARY HOSPITAL		489.98
	Invoice	Date	Description		Amount
	445968	07/06/2020	VET SVCS MAY 2020 PO #72280		489.98
Check	07/09/2020	1006 Accounts Payable	CINDY HULL		625.00
	Invoice	Date	Description		Amount
	123	06/25/2020	LATENT PRINT ANALYSIS JUNE 2020 PO #72261		625.00
Check	07/09/2020	1007 Accounts Payable	CRIME SCENE CLEANERS INC		70.00
	Invoice	Date	Description		Amount
	75690	06/29/2020	CRIME SCENE CLEANERS JUNE 2020 PO #72995		70.00
Check	07/09/2020	1008 Accounts Payable	DELTA DENTAL		16,972.64
	Invoice	Date	Description		Amount
	BE003983653	07/01/2020	DENTAL PREMIUM - JULY'20		16,972.64
Check	07/09/2020	1009 Accounts Payable	DELTA DENTAL INSURANCE COMPANY		349.14
	Invoice	Date	Description		Amount
	BE003981807	07/01/2020	DENTAL PREMIUM - JULY'20		349.14
Check	07/09/2020	1010 Accounts Payable	DIVISION OF THE STATE ARCHITECT		50.80
	Invoice	Date	Description		Amount



Invoice	Date	Description	Amount
0401-063020	07/06/2020	CA STATE CASP FEES (AB1379)	50.80
Check 07/09/2020	1011 Accounts Payable	EAST BAY LAWN MOWER	132.50
35720	06/30/2020	MOWER SERVICE PO# 72642	132.50
Check 07/09/2020	1012 Accounts Payable	EWING IRRIGATION PRODUCTS	2,808.77
3593132	05/26/2020	ROTATOR & NOZZLE PO#72125	151.78
3630200	06/24/2020	SUPPLIES PO# 72125	1,624.94
3969542	06/24/2020	SUPPLIES PO#72125	1,032.05
Check 07/09/2020	1013 Accounts Payable	FIDELITY SECURITY LIFE INSURANCE/EYEMED	2,390.92
164383927	07/08/2020	VISION PREMIUM	2,390.92
Check 07/09/2020	1014 Accounts Payable	FREMONT FORD/AUTOBODY OF FREMONT	664.87
140543	03/11/2020	FLEET SUPPLIES PO# 140543	262.16
140495	03/09/2020	FLEET REPAIR PO# 73035	265.06
142398	06/23/2020	FLEET SUPPLIES PO# 73035	137.65
Check 07/09/2020	1015 Accounts Payable	GARY M SHELDON	150.00
20-03NPD	06/22/2020	BLOOD W/DRAWAL SVC MARCH 2020 PO #72238	150.00
Check 07/09/2020	1016 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC.	1,811.56
55Y1095688	07/06/2020	COPIER LEASE AGREEMENT	341.29
55Y1093467	07/06/2020	COPIER LEASE AGREEMENT	1,470.27
Check 07/09/2020	1017 Accounts Payable	LEXISNEXIS MATTHEW BENDER	424.20
1415640-20200630	06/30/2020	ACCURINT SUBSCRIPTION JUNE 2020 PO #72236	424.20
Check 07/09/2020	1018 Accounts Payable	METLIFE SBC	1,431.06
PR063020	07/07/2020	LONG TERM DISABILITY PREMIUM	1,431.06
Check 07/09/2020	1019 Accounts Payable	NEWARK CHAMBER OF COMMERCE	14,500.00
181	07/06/2020	CHAMBER MARKETING FUND-WINTEGRATE PO #72384	14,500.00
Check 07/09/2020	1020 Accounts Payable	NHA ADVISORS, LLC.	2,100.00
00326	04/13/2020	2019 COP - MSRB CONTINUING DISCLOSURE COMPLIANCE	2,100.00
Check 07/09/2020	1021 Accounts Payable	PROVIDENT LIFE & ACCIDENT INSURANCE	261.24
PR063020	07/08/2020	PAYROLL PREMIUM - E0246926	261.24

Check	Invoice	Date	Description	Amount
Check	07/09/2020	1022 Accounts Payable	REDFLEX TRAFFIC SYSTEMS	17,400.00
	INVI-2524	06/30/2020	REDFLEX JUNE 2020 PO #72285	17,400.00
Check	07/09/2020	1023 Accounts Payable	REVOLUTION DANCEWEAR, LLC	628.32
	SI-1887206	06/30/2020	2020 DANCE REVUE COSTUMES - 72886	628.32
Check	07/09/2020	1024 Accounts Payable	STATE OF CALIFORNIA	250.00
	PR063020-8625	07/08/2020	PAYROLL DEDUCTION - GARNISHMENT	250.00
Check	07/09/2020	1025 Accounts Payable	T-MOBILE USA, INC	138.48
	966241989-062120	06/21/2020	IPHONE SVC 05/21/20-06/20/20 PO #72270	138.48
Check	07/09/2020	1026 Accounts Payable	TIREHUB, LLC.	3,226.35
	14375911	06/19/2020	TIRES PO# 73034	758.36
	13286281	03/26/2020	TIRES PO# 73034	454.72
	13391811	04/07/2020	TIRES PO# 73067	935.79
	13975454	05/26/2020	TIRES PO# 73067	1,077.48
Check	07/09/2020	1027 Accounts Payable	US BANK NATIONAL ASSOCIATION	16,995.20
	062220STMNT	07/06/2020	CC PAYMENT 06/22/20	16,995.20
Check	07/09/2020	1028 Accounts Payable	VERIZON WIRELESS	3,875.29
	9856887634	06/18/2020	IPHONE SVC 05/19/20-06/18/20 PO #72288	3,875.29
Check	07/09/2020	1029 Accounts Payable	BAY AREA MAMBAS	2,600.00
	613526	06/29/2020	COVID-19 REFUND OF CREDIT POSTED APRIL AND MAY	2,600.00
Check	07/09/2020	1030 Accounts Payable	BAY AREA MAMBAS	455.00
	613512	06/29/2020	COVID-19 REFUND PAYMENT FOR RESERVATION DURING SIP	455.00
Check	07/09/2020	1031 Accounts Payable	CLUB ONE BASKETBALL	130.00
	613505	06/29/2020	RENTAL REFUNDED DUE TO EXTENDED SIP	130.00
Check	07/09/2020	1032 Accounts Payable	CUI , HAO	120.00
	613521	06/29/2020	COVID-19 DELETE RESERVATION DURING SIP	120.00
Check	07/09/2020	1033 Accounts Payable	HSIEH , SHENG-CHIANG	480.00
	613519	06/29/2020	COVID-19 DELETE RESERVATION DURING SIP	480.00
Check	07/09/2020	1034 Accounts Payable	NALLA , VIKRAM Y	238.00

Invoice	Date	Description	Amount
613520	06/29/2020	SWIM LESSONS CANCELLED DUE TO COVID-19	238.00
AP ZBA ACCOUNTS PAYABLE Totals:		Transactions: 34	\$94,278.74
Checks:	34	\$94,278.74	