



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, July 23, 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. All participated via virtual teleconference.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of July 9, 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 Proclamation for 30th Anniversary of the Americans with Disabilities Act (ADA).

Mayor Nagy presented the proclamation to Michael Galvan of Community Resources for Independent Living.

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

Shirley Qian (CCJPA Project Manager and Senior Planner) and Ben Tripousis (Senior Project Manager and Associate Vice President, HNTB Corporation) gave a presentation (on file with City Clerk) on the South Bay Connect Project. The project proposes the relocation of Capitol Corridor service to a route that would reduce travel time between the cities of Oakland and San Jose by 13 minutes. A new train station is proposed near the Ardenwood Park and Ride.

No one requested to speak.

Council Member Bucci expressed concern with the potential increase of train noise.

Council Member Hannon requested an additional presentation after the Environmental Impact Report is prepared.

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.**
- MOTION APPROVED
RESOLUTION NO. 11106**

City Manager Benoun gave the report recommending approval.

Mayor Nagy opened the public hearing at 8:10 p.m.

No one requested to speak.

Mayor Nagy closed the public hearing at 8:11 p.m.

Council Member Freitas moved, Council Member Bucci seconded to, 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. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.3, that the resolutions and ordinance be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

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.**
- ORDINANCE NO. 523**
- 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.**
- RESOLUTION NO. 11107
CONTRACT NO. 15033**

- 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.**

**RESOLUTION NO. 11108
CONTRACT NO. 17014**

NONCONSENT

- F.4 Update on the progress of the New Civic Center, Project 1188.**

Chief Building Official/City Architect Colliers stated that the New Civic Center project is on schedule and under budget. He shared pictures of the project and videos of what each building would look like when completed. He anticipated that City Hall and Police staff will move into their buildings by March 2021. County Library staff would begin to occupy the new Library by April 2021.

No one requested to speak.

Council Member Bucci requested a tour of the buildings.

Council Member Hannon suggested installing a kiosk at City Hall to allow the public to pay for their City invoices and further suggested subdividing one of the library meeting rooms to make individual study rooms.

This item was informational only.

- 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. RESOLUTION NO. 11109**

City Manager Benoun stated that as a result of the Alameda County Health Officer Executive Order to shelter in place, many businesses are experiencing substantial declines in business income. The City has received requests to pay business license taxes on a deferred basis, payment plans, or waive penalties.

To support Newark businesses, he recommended that the City Council allow the City Clerk to compromise claims as to the amount of license tax due by waiving penalty fees accrued from March 16, 2020 - the date of the proclamation of a local emergency

- to the end of the calendar year. If approved, it would result in a revenue reduction in penalty fees of \$52,875. Businesses that have already paid the penalty, would be notified that they are eligible for a credit towards next year's business license tax.

No one requested to speak.

Council Member Collazo moved, Council Member Bucci seconded to 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. The motion passed, 5 AYES.

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.

RESOLUTION NO. 11110

City Manager Benoun gave the presentation (on file with City Clerk) recommending that the City Council place a measure on the November 3, 2020 ballot for voter consideration to extend the Utility Users Tax (UUT) for nine 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 would be directed to prepare the impartial analysis. The Mayor would be designated to prepare and submit a ballot argument and rebuttal for the measure.

City Manager Benoun stated that the 2020-2022 Biennial Budget included \$6.3 million in reductions from the 2019-20 adjusted budget. These reductions included 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). A \$14 million budget deficit remained and the budget was balanced with reserves. The UUT generates approximately \$2.75 million per year. If the UUT is not reauthorized, then the Council may need to revisit the 2020-2022 Biennial Budget to address the significant structural budget deficit and consider further budget reductions.

Speaking in favor of continuing the UUT were:

Vivien Larsen – necessary to fund programs such as the Ash Street Summer program for children and the School Resource Officer. She suggested using the UUT funds to provide training for the School Resource Officer.

Stanley Keizer – it helps keep the Senior Center open.

Athena Salazar – COVID-19 has hurt the City budget, recreation programs are closed and other tax sources are down.

Council Member Hannon suggested amending the ballot question to include the average cost of the UUT per resident.

City Manager Benoun stated that the cost would depend on their service. He noted that the ballot question is limited to 75 words and the cost would require explanation.

Council Member Collazo stated that it would be helpful to have the average cost information available for the public.

Council Member Freitas stated that the previous Mayor had estimated the cost around \$12.50 per month.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution: to call 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. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated there would be a fundraiser on Saturday at O'Sullivan's to benefit Jameson "Jammers" Emerson who has a rare type of brain cancer.

Council Member Collazo stated that she thought COVID -19 would lessen by now but it is getting worse. She said to stay home, wear a mask, wash your hands, and shop Newark.

Council Member Hannon thanked City staff for their response to the COVID 19 crisis and their fiscal responsibility during a challenging year.

Council Member Bucci stated that he will attend the fundraiser on Saturday and thanked O'Sullivan's. He stated that he met Jim LeBrecht director of a documentary on the disabled community and encouraged everyone to watch.

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

K. ORAL COMMUNICATIONS

No one requested to speak.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 1000 to 1034.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9:28 p.m