



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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

Minutes

Thursday, January 26, 2023

A. ROLL CALL

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

B. PRESENTATIONS

1. Proclaiming January 14 - 29, 2023 as Sun Salutation Awareness Period

Mayor Hannon presented the proclamation to Rashmi Patil, Ashwini Satyanarayana and Siya Singh of the Hindu Swayamsevak Sangh (HSS).

Ms. Singh spoke on her positive experience with HSS.

C. PUBLIC COMMENT

No one requested to speak.

D. CONSENT CALENDAR

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

1. Approval of Audited Demands
2. Approval of January 12, 2023, minutes
3. Approval of Motion for acceptance of the Annual Comprehensive Financial Report (ACFR) for the period ended June 30, 2022

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt resolutions initiation of proceedings for the formation of Area Improvement District No. 35 for Lindsay Tract, providing preliminary approval of the Engineer's Report, declaring intention to order formation of the assessment district and to levy and collect assessments, establishing Property Owner Assistance Program for City-Sponsored Assessment Districts, and setting a public hearing date of March 23, 2023

Vice Mayor Collazo announced that she had a conflict of interest due to property ownership near this project and would recuse herself from this item. Vice Mayor Collazo exited the City Council Chambers.

Assistant City Engineer Imai gave the presentation. Presentation on file with City Clerk. He stated that the project would improve neighborhood aesthetics, eliminate the ponding/flooding, improve walkability, and enhance property values. The estimated cost of \$9.6 million would be paid with funding from the City, the Alameda County Water District, and the adjacent property owners through a proposed Assessment Improvement District. Property owners would pay for curb and sidewalk improvements in front of their homes.

Ed Espinoza of Francisco and Associates reviewed the proposed assessment district and how they prepared the benefit analysis for the parcels.

Assistant City Engineer Imai reviewed the Property Owner Assistance Program for certain qualified owner-occupied parcels and the construction timeline.

Ana Semedo stated that she could not pay the assessment and would vote no.

Guillermo Sanchez stated that the assessment would be a hardship for his single income family of 5. He stated that the low-income thresholds need to be raised. He is in favor of the improvements, but too much money is asked from the property owners.

Sondra Mascardo stated that it was unfair to have a lien placed on their properties. Nobody wants \$1400 added to their property tax and it would be a hardship. She stated that she and her neighbors opposed the project.

Marietta Madieros asked how much interest would be charged with the assessments. She stated that she has a corner lot, which would be more than the average assessment. She stated that she was against this project and that it would be a burden.

Rosemary Gaunt stated that she has lived in her home for 65 years. She stated that the City caused the water problems by raising the land with newer properties and retaining walls. She asked how the Birch Street neighbors stopped a similar project. She would like the water issues fixed, but they didn't need sidewalks.

Gabriel Fonseca (via Zoom) asked if the streets could be fixed without adding sidewalks and do corner lots have more weight on the votes.

In response to citizen questions, Assistant City Engineer Imai stated that in order to fix the water drainage issue, they would need to gut and rebuild the street with sidewalks to fix the slope. The vote is weighted by the amount of the assessment per property. Mr. Espinoza stated that the interest rate would be determined during the bond sale and that the bond counsel estimated 5%.

Council Member Bucci stated he had concerns with the project and understood the financial burden to the residents. He stated that he did not like the assessment plan that put too much burden on the residents, and that more palatable numbers needed to be provided. He stated that he did not think he would support the project as currently written.

Mayor Hannon stated that their proposed action tonight would give the vote to the community in the Lindsay Tract whether to proceed with an assessment.

Council Member Jorgens moved, Mayor Hannon seconded to adopt the following resolutions: 1) Intention to make acquisitions and improvements for the proposed Area Improvement District No. 35 (Lindsay Tract); and 2) Approving Preliminary Engineer's Report and directing related actions for the proposed Area Improvement District No. 35 (Lindsay Tract); and 3) Approving a policy for a property owner assistance program for city-sponsored assessment districts. The motion did not pass, 2 AYES (Hannon and Jorgens), 1 NO (Bucci), 1 ABSTENTION (Freitas), and 1 RECUSED (Collazo).

Vice Mayor Collazo returned to the City Council Chambers.

2. Adopt a resolution terminating the local emergency due to COVID-19 effective February 28, 2023
Resolution No. 11459

Vice Mayor Collazo and Council Member Freitas each announced that they had conflicts of interest due to property ownership and income and would recuse from this item. They each left the City Council Chambers.

City Manager Benoun gave the staff report recommending terminating the local emergency.

No one requested to speak.

Council Member Bucci moved, Council Member Jorgens seconded, to adopt a resolution terminating the local emergency due to COVID-19 effective February 28, 2023. The motion passed, 3 AYES, 2 RECUSED (Collazo and Freitas).

Vice Mayor Collazo and Council Member Freitas returned to the City Council Chambers.

G. CITY COUNCIL MATTERS

Vice Mayor Collazo hoped everyone enjoyed the nice weather. She wished everyone a wonderful week, enjoy the football game on Sunday, and shop Newark.

Council Member Bucci stated that the Ohlone Wildlife Rehabilitation Center is preparing to reopen and he will be leading a team to help with improvements. Email him or meet at the Ohlone Wildlife Rehabilitation Center on Hickory Street around 9 am on February 4th.

Council Member Jorgens asked how residents report the unfriendly odor in the Birch Grove area. City Manager Benoun stated that residents who smell natural gas should call 911. For non-natural gas odors, complaints may be filed with the Bay Area Air Quality Management District. There is information on the City website on the reporting process.

Mayor Hannon announced that former Mayor Nagy's retirement event will be held on February 5 beginning at 1 pm at City Hall.

H. CLOSED SESSION

I. ADJOURNMENT

Mayor Hannon adjourned the meeting at 8:47 p.m.

Sheila Harrington, City Clerk