



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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



AGENDA

Thursday, January 27, 2022
7:00 P.M.

**THIS IS A MEETING BY VIRTUAL TELECONFERENCE ONLY
THAT WILL BE CONDUCTED PURSUANT TO ASSEMBLY BILL 361 (2021).
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. PRESENTATIONS

1. Presentation on Union Sanitary District from General Manager Paul Eldredge

C. PUBLIC COMMENT

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

D. CONSENT CALENDAR

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

1. Approval of Audited Demands
2. Approval of January 6, 2022, and January 13, 2022, minutes
3. Adopt a Resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic

4. Adopt a Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning January 27 Pursuant to AB 361
5. Adopt a Resolution Authorizing the City Manager to Execute a Contractual Services Agreement with Environmental Services Inc. and Authorizing Amendment of the 2020-2022 Biennial Budget for Fiscal Year 2022 to Provide Funding for General Plan Updates related to the Services Associated with the 2023-2031 Housing Element
6. Approval of resolutions to add class specifications for Police Support Services Manager, Aquatic Activities Specialist, and Accounting Technician I/II to the classification plan; add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Police Support Services Manager, one Aquatic Activities Specialist, and one Accounting Technician I-II, and delete one Communications Supervisor and one Accounting Technician I; approve a side letter with the Newark Police Management Association to add the classification of Police Support Services Manager and salary range to the Memorandum of Understanding, and approve a side letter with the Newark Association of Miscellaneous Employees to add the classification of Aquatic Activities Specialist and salary range to the Memorandum of Understanding.
7. Approval of resolutions to add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Crime Analyst, one additional Information Systems Technician, and one additional General Laborer; add a class specification to the Classification Plan for Crime Analyst; and approve a side letter with the Newark Police Management Association to add the classification of Crime Analyst and assigned salary range to the Memorandum of Understanding.

E. PUBLIC HEARINGS

1. Public Hearing and tabulation of ballots for annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 and, if no majority protest exists, adopt a resolution approving the final Engineer’s Report and approving the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19

F. OTHER BUSINESS

G. CITY COUNCIL MATTERS

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

1. Adopt a resolution approving the Mayor’s appointment to the Planning Commission

H. CLOSED SESSION

1. Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation, Title: City Manager

I. ADJOURNMENT

IMPORTANT NOTICE REGARDING CITY COUNCIL MEETING

Due to the COVID-19 pandemic, the City of Newark made 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 and pursuant to Assembly Bill 361 (2021), the City Council Chambers will be closed to the public. Members of the public can observe and address the Council using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means as allowed by California Government Code Section 54953(e). The public may view the meeting via YouTube or Zoom.

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

Livestream online at YouTube: <https://www.youtube.com/channel/UC383NGSxaPwZP1IkJbo2T8A>

Copy/paste the YouTube URL into your browser if the link does not automatically open.

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

From a PC, Mac, iPad, iPhone or Android device: Zoom Meeting <https://us06web.zoom.us/j/83910448963>

From a telephone dial 1- 669-900-9128, Webinar ID 839 1044 8963

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

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

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. Comments may also be submitted via e-mail to city.clerk@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The City Clerk will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Council meeting and consistent with all applicable laws. Matters brought before the Council that require Council 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 Mayor. 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 Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:

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

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting,

to a majority of the City Council, will be made available for public inspection at this meeting and will be posted, if time allows, at [Agendas and Minutes](#). Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting at [City Clerk](#) or 510-578-4266.



STAFF REPORT

Item B. 1.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Presentation on Union Sanitary District from General Manager Paul Eldredge

Union Sanitary District ("USD") General Manager, Mr. Paul Eldredge, will provide a summary of USD's services to Newark residents and significant projects. A copy of the PowerPoint that will be provided to the Council at the meeting is attached.

Attachments

Presentation



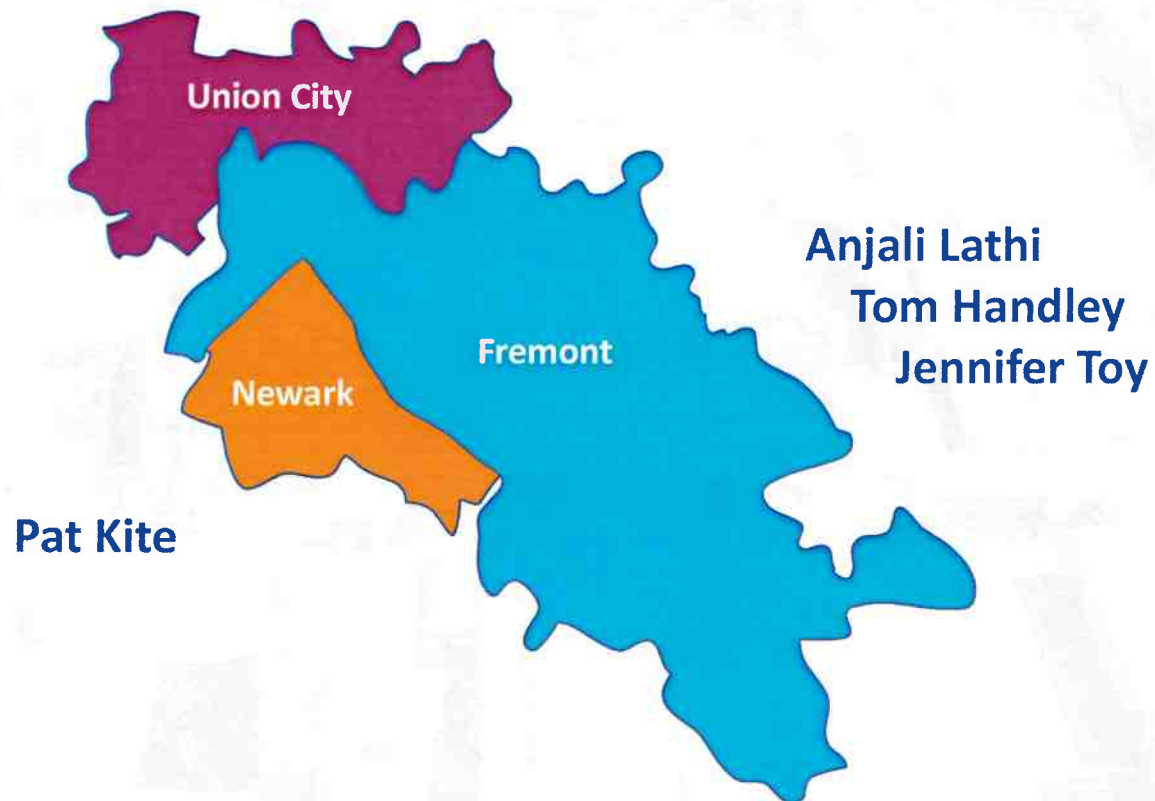
UNION SANITARY DISTRICT

Report to City Council Newark, CA

January 27, 2022

Service Area and Directors

Manny Fernandez



District Demographics

- 60 Square mile service area
- Serving Fremont, Newark, and Union City
- 357,000 residents
- 3,116 businesses
- 118,973 total service connections
- Approximately 17,300 manholes
- 89 permitted industries

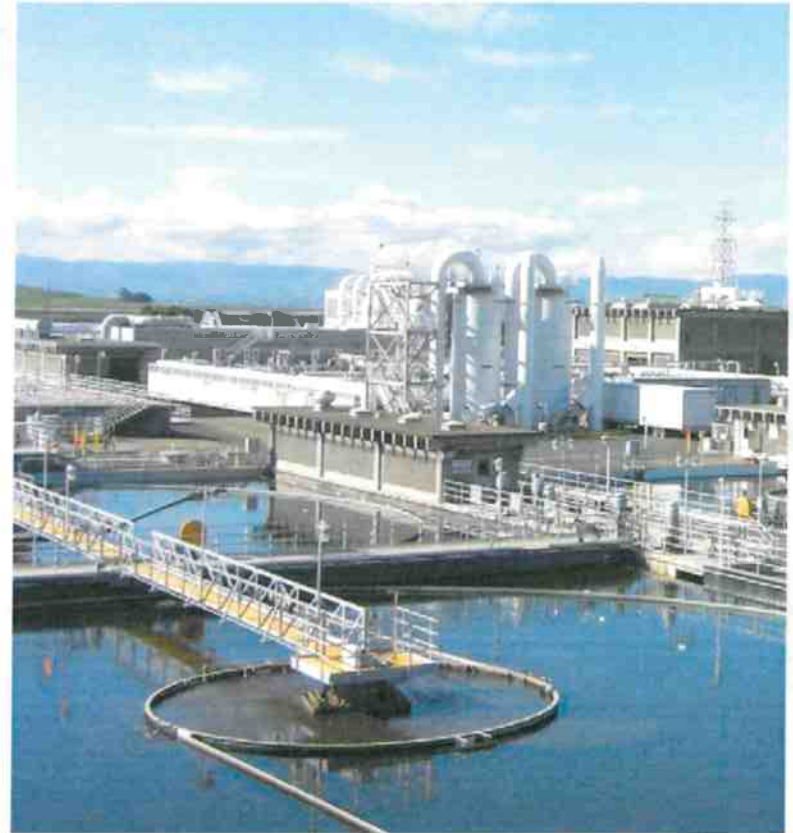
Examples:

- Tesla Motors, Inc.
- Lam Research Corp.
- Western Digital Technologies
- U.S. Pipe & Foundry



District Statistics

- 839 miles of pipeline
- 7 pump stations, 1 33-acre treatment plant
- 8.34 billion gallons annual treatment
- 2021 Daily average flow rate 22.86 million gallons/day (MGD)
- Permitted treatment capacity 33 MGD
- 20,000+ wet tons of beneficially reusable biosolids produced annually
- Reuse approximately 365 million gallons of treated wastewater on-site annually



Emerging Trends Affecting Wastewater Agencies

Nutrients in water bodies have been a nationwide concern for many years

- Nitrogen, Ammonia, and Phosphorus

The SF Bay has a long history of high nutrient levels, but tidal action, high turbidity, and other factors have historically reduced impacts

Now there is concern that the Bay could reach a tipping point that would affect its health

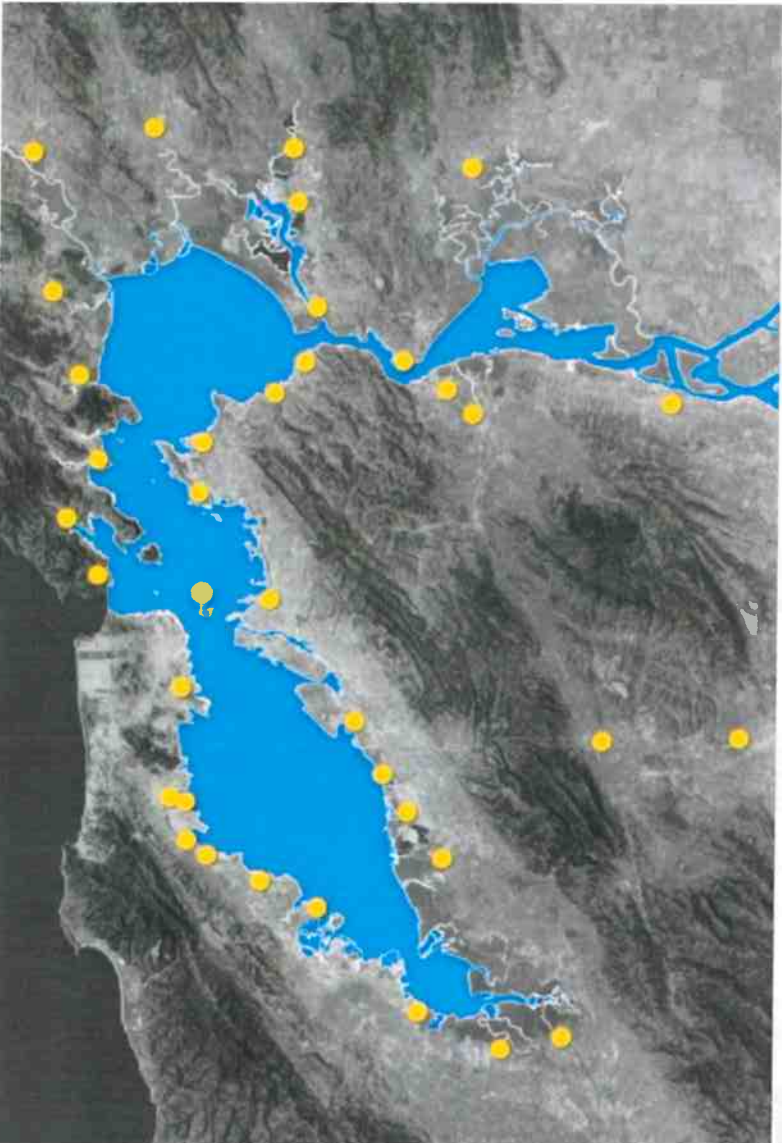


Lake Erie

Examples:

- Chesapeake Bay
- Discovery Bay
- Great Lakes



An aerial photograph of San Francisco Bay, with the water body highlighted in a solid blue color. Numerous yellow circular dots are placed along the shoreline and in various parts of the bay, representing sampling locations for water quality monitoring.

Managing Nutrients in San Francisco Bay

- USD is one of 37 regional wastewater agencies contributing to scientific research to increase understanding of how nutrient levels impact the water quality of the SF Bay
- The State's Regional Water Board and the EPA will use the research to develop nutrient management policies
- Nutrient removal at wastewater treatment plants is expected to be implemented in the near future via new regulations

Infrastructure Program Planning



- The most recent evaluation of the District's capital needs and planning for required capital improvements began in 2015
- The years-long effort and evaluation resulted in USD's Enhanced Treatment and Site Upgrade Program report (ETSU), the largest and most comprehensive capital improvement program in the District's history
- Roadmap for the Treatment Plant's infrastructure for the next 40 years
- Combination of retrofitting, upgrading, and relocating existing facilities and construction of new processes and buildings
- Project phases prioritized for maximum efficiency and cost-control

Enhanced Treatment and Site Upgrade (ETSU)

Phase 1 Projects



Phase 1A

- Aeration Basins Modifications
- Construction contract awarded 1/10/22

Phase 1C

- Plant Equalization Storage

Phase 1B

- Secondary Clarifiers
- Effluent Facilities

Phase 1A

- Campus Building

Evaluation of Existing Buildings

- USD planned to retrofit existing buildings due to:
 - Not meeting seismic codes
 - Age of buildings – functionally obsolete
 - Maintenance Building: 43 years old
 - Operations Building: 43 years old
 - Environmental conditions (Roof leaks)
 - Space constraints
- A thorough assessment determined combining all functions under one roof and building new to be more cost-effective than retrofitting
- Analyses of buildings were independent of treatment process evaluations



ETSU Campus Building

- **New building will comply with current codes**
 - Provides seismic and sea-level rise resiliency to ensure continuous operations
- **Includes solar and EV charging facilities**
- **Relocation and consolidation of operations, maintenance, and administration allows optimal operation and layout of future treatment processes**
 - Reduces energy consumption and ongoing treatment costs







ETSU Overview

- The ETSU Program is currently estimated to cost approximately \$509,511,993
- Non-stop construction estimated to take 7 – 10 years
- Construction contract for Aeration Basins Modifications awarded on 1/10/22

ETSU's Additional Benefits

- ETSU provides reliable and resilient wet-weather management capabilities
- ETSU will make USD an early adopter of nutrient removal
- ETSU is the first phase of future reclaimed water initiatives
- USD has partnered with ACWD for many years to evaluate water reuse
- USD and ACWD are currently conducting a reclaimed water feasibility analysis
- USD has and will continue to search for funding sources to offset impacts to ratepayers
- USD is always looking for opportunities to beneficially reuse treated wastewater





Questions?



STAFF REPORT

Item D. 1.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Krysten Lee, Finance Director
SUBJECT Approval of Audited Demands

Attachments

Audited Demands

LIVE Newark CA LIVE
Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 01/06/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	01/06/2022	4732	Accounts Payable	AIR EXCHANGE, INC.		158.86
	Invoice			Description		Amount
	91605221			07/15/2021	FIRE STATION AIR LEAK SERVICE	158.86
Check	01/06/2022	4733	Accounts Payable	CMRTA		150.00
	Invoice			Description		Amount
	2063			12/01/2021	MEMBERSHIP RENEWAL - LEE. CROSS, THOMAS CY22	150.00
Check	01/06/2022	4734	Accounts Payable	CARBONIC SERVICE		381.48
	Invoice			Description		Amount
	393610			12/17/2021	CO2 - BULK DELIVERY	381.48
Check	01/06/2022	4735	Accounts Payable	510AUTOWORKS		80.00
	Invoice			Description		Amount
	1688			09/06/2021	WHEEL ALIGNMENT	80.00
Check	01/06/2022	4736	Accounts Payable	CENTRAL TOWING & TRANSPORT LLC		67.60
	Invoice			Description		Amount
	8364558-1			11/21/2021	TOWING SERVICES 11/21/2021	67.60
Check	01/06/2022	4737	Accounts Payable	CLASSIC GRAPHICS		129.36
	Invoice			Description		Amount
	45672			11/23/2021	FLEET LOGOS	101.67
	45734			12/10/2021	DECALS	27.69
Check	01/06/2022	4738	Accounts Payable	COMCAST		605.41
	Invoice			Description		Amount
	1013-1111221PD			10/14/2021	TV SERVICE/BOX RENTAL	280.64
	1113-121221PD			11/08/2021	TV SERVICE/BOX RENTAL	324.77
Check	01/06/2022	4739	Accounts Payable	ALHAMBRA		238.96
	Invoice			Description		Amount
	15734365 121321			12/13/2021	WATER SERVICE	238.96
Check	01/06/2022	4740	Accounts Payable	FREMONT FORD/AUTOBODY OF FREMONT		224.42
	Invoice			Description		Amount
	155784			12/14/2021	FORD PARTS - SHOCK ABSORBER	224.42

Check	01/06/2022	4741	Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.	Amount	16,532.00
	Invoice		Date	Description		
	E 194447		11/01/2021	LANDSCAPE CONTRACT NOV 2021	Amount	16,532.00
Check	01/06/2022	4742	Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	Amount	3,190.24
	Invoice		Date	Description		
Check	01/06/2022	4743	Accounts Payable	COPIER LEASE/SERVICE/SUPPLIES - DEC '21	Amount	3,190.24
	Invoice		Date	Description		
	8613601		12/10/2021	KNORR SYSTEMS INC	Amount	526.31
Check	01/06/2022	4744	Accounts Payable	SILLIMAN BEARING ASSEMBLY	Amount	570.00
	SI234698		11/05/2021	LEGACY ROOFING & WATERPROOFING	Amount	570.00
	Invoice		Date	Description		
Check	01/06/2022	4745	Accounts Payable	FIRE STATION LEAK SERVICE	Amount	747.47
	6007725-WO		11/18/2021	MACQUARIE EQUIPMENT CAPITAL INC.	Amount	747.47
	Invoice		Date	Description		
Check	01/06/2022	4746	Accounts Payable	CMO & PD RECORDS COPIER AND HP PRINTERS - 11/24-12/23/21	Amount	747.47
	18576		12/02/2021	MISSION LINEN SUPPLY - UNIFORM	Amount	2,779.48
Check	01/06/2022	4747	Accounts Payable	UNIFORM PURCHASE 12/01-12/31/21	Amount	2,779.48
	DEC' 2021		12/31/2021	AVENU	Amount	10,000.00
	Invoice		Date	Description		
Check	01/06/2022	4748	Accounts Payable	UUT AUDIT & ANALYSIS - FIXED FEE OCT-DEC'21	Amount	10,000.00
	INV06-013248		12/16/2021	SFPUC	Amount	3,552.01
	Invoice		Date	Description		
Check	01/06/2022	4749	Accounts Payable	RENT WATER AC# 3642 01/22	Amount	886.83
	49619		12/22/2021	RENT WATER AC# 2866 01/22	Amount	2,665.18
	49650		12/22/2021	WILLE ELECTRIC SUPPLY CO., INC	Amount	2,386.87
	Invoice		Date	Description		
Check	01/06/2022	4750	Accounts Payable	SHI INTERNATIONAL CORP.	Amount	1,787.29
	S2060670.001		11/22/2021	LIGHT BULBS	Amount	599.58
	S2058456.002		12/13/2021	LED LIGHTS	Amount	1,245.27
	Invoice		Date	Description		
Check	01/06/2022	4751	Accounts Payable	RED HAT ENTERPRISE MAINT SEPT 2021-2022	Amount	1,245.27
	B14147930		09/30/2021	SIMON & COMPANY INC	Amount	1,720.00
	Invoice		Date	Description		
Check	01/06/2022	4752	Accounts Payable	PROFESSIONAL FEDERAL AFFAIRS ASSISTANCE 12/21	Amount	1,720.00
	12-2021		12/22/2021	SMITH & SONS ELECTRIC, INC.	Amount	3,370.00
	Invoice		Date	Description		
Check	01/06/2022	4753	Accounts Payable	CIVIC CENTER CHRISTY BOX INSTALL	Amount	3,370.00
	21002		11/19/2021	STATE OF CALIFORNIA	Amount	1,259.61
	Invoice		Date	Description		

Invoice	Date	Description	Amount
2022-00000139	12/17/2021	GARNISH - WAGE GARNISHMENT CASE#624448511	1,259.61
Check 01/06/2022	4754 Accounts Payable	UNIVERSAL BUILDING SERVICES & SUPPLY	466.56
Invoice	Date	Description	Amount
495791	11/30/2021	JANITORIAL ADDITIONAL SERVICE - SERVICE CENTER NOV 2021	466.56
Check 01/06/2022	4755 Accounts Payable	URBAN PLANNING PARTNERS, INC.	1,860.00
Invoice	Date	Description	Amount
21009-211130	12/17/2021	ON-CALL PLANNING SVCS - AFFORDABLE HOUSING 10/21-11/21	1,860.00
Check 01/06/2022	4756 Accounts Payable	WEST COAST ARBORISTS INC	22,617.55
Invoice	Date	Description	Amount
180551	12/15/2021	TREE MAINTENANCE: 12/1/21-12/15/21	3,260.00
180318	11/30/2021	TREE MAINTENANCE: 11/16/21-11/30/21	7,789.60
179823	11/15/2021	TREE MAINTENANCE: 11/1/21-11/15/21	11,567.95
Check 01/06/2022	4757 Accounts Payable	MCL INSURANCE SERVICES LLC	300.00
Invoice	Date	Description	Amount
634734	12/20/2021	RENTAL COMPLETE WITH NO DAMAGE JT	300.00
Check 01/06/2022	4758 Accounts Payable	MORRELL , CYNTHIA	300.00
Invoice	Date	Description	Amount
634732	12/20/2021	RENTAL COMPLETE WITH NO DAMAGE JT	300.00
Check 01/06/2022	4759 Accounts Payable	ROBSON , MARK	300.00
Invoice	Date	Description	Amount
634733	12/20/2021	RENTAL COMPLETE WITH NO DAMAGE JT	300.00
Check 01/06/2022	4760 Accounts Payable	ROGERS , KORY	108.00
Invoice	Date	Description	Amount
634731	12/20/2021	SCHEDULING CONFLICT ISSUING REFUND CHECK PB	108.00
AP ZBA ACCOUNTS PAYABLE Totals:			\$75,867.46
Checks:			29
Transactions: 29			\$75,867.46

LIVE Newark CA LIVE

Batch Date: 01/10/2022

Transactions: 1

1

\$450.00

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 01/13/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	01/13/2022	4762	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		13,281.55
	Invoice		Date	Description		Amount
	73344		11/17/2021	SCHOOL CROSSING GUARD SVCS 10/31-11/13/21		5,028.56
	73685		12/01/2021	SCHOOL CROSSING GUARD SVCS 11/14-11/27/21		2,847.72
	73865		11/28/2021	SCHOOL CROSSING GUARD SVCS 11/28-12/11/21		5,405.27
Check	01/13/2022	4763	Accounts Payable	BAY CENTRAL PRINTING		128.54
	Invoice		Date	Description		Amount
	190363		12/07/2021	BUSINESS CARD IMPRINTING - MATT WARREN		64.27
	190359		12/07/2021	BUSINESS CARD IMPRINTING - JENNA QUINONEZ		64.27
Check	01/13/2022	4764	Accounts Payable	BEAR ELECTRICAL SOLUTIONS, INC.		7,733.11
	Invoice		Date	Description		Amount
	14461		11/28/2021	STREET LIGHT MAINTENANCE (NOVEMBER 2021)		7,733.11
Check	01/13/2022	4765	Accounts Payable	BEACON VETERINARY SPECIALISTS		300.00
	Invoice		Date	Description		Amount
	119778		11/22/2021	VET SVC 11/21/21		150.00
	119528		11/13/2021	VET SVC 11/13/21		150.00
Check	01/13/2022	4766	Accounts Payable	CENTRAL VALLEY TOXICOLOGY, INC.		462.00
	Invoice		Date	Description		Amount
	315814		10/25/2021	LAB TESTS 10/25/21		210.00
	316169		11/08/2021	LAB TESTS 11/08/21		38.00
	316633		11/29/2021	LAB TESTS 11/29/21		69.00
	316635		11/29/2021	LAB TESTS 11/29/21		69.00
	316637		11/29/2021	LAB TESTS 11/29/21		38.00
	316639		11/29/2021	LAB TESTS 11/29/21		38.00
Check	01/13/2022	4767	Accounts Payable	APRO LLC		422.00
	Invoice		Date	Description		Amount
	090121-093021		09/30/2021	PATROL VEHICLE CLEANING SEPT 2021		262.00
	110121-113021		11/30/2021	PATROL VEHICLE CLEANING NOV 2021		160.00
Check	01/13/2022	4768	Accounts Payable	CINDY K. HULL & ASSOCIATES - FORENSIC CONSULTING		300.00
	Invoice		Date	Description		Amount
	128		12/28/2021	LATENT PRINT ANALYSIS DEC 2021		300.00

Check	01/13/2022	4769 Accounts Payable	COMCAST		964.26
	Invoice	Date	Description		Amount
	122221-012122SIL	12/17/2021	MONTHLY CABLE SERVICE FOR 12/22-1/21/22		200.84
	121321-011222PD	12/08/2021	TV SERVICE/BOX RENTAL PD- 09/21-01/22		763.42
Check	01/13/2022	4770 Accounts Payable	COUNTY OF ALAMEDA		7,005.00
	Invoice	Date	Description		Amount
Check	FY21028	05/11/2021	MEMBERSHIP AND DUES EAST BAY EDA FOR FY21/22		7,005.00
	01/13/2022	4771 Accounts Payable	DELL MARKETING L.P.		5,490.96
	Invoice	Date	Description		Amount
Check	10543616719	12/12/2021	POWEREDGE T550 - APPROVAL #2022-05		5,490.96
	01/13/2022	4772 Accounts Payable	EMC PLANNING GROUP INC.		9,358.00
	Invoice	Date	Description		Amount
Check	21-439	10/31/2021	CONSULTING ON NEWPARK PLACE SPECIFIC PLAN - 10/21		9,358.00
	01/13/2022	4773 Accounts Payable	EPLUS TECHNOLOGY, INC.		13,493.60
	Invoice	Date	Description		Amount
Check	V2536328	12/21/2021	CROWDSTRIKE SOFTWARE		13,493.60
	01/13/2022	4774 Accounts Payable	FOLGERGRAPHICS, INC		2,020.00
	Invoice	Date	Description		Amount
Check	131038	12/22/2021	PRINT CITY NEWSLETTER		2,020.00
	01/13/2022	4775 Accounts Payable	GHD INC.		2,880.00
	Invoice	Date	Description		Amount
Check	380-0006469	12/21/2021	TRAFFIC ENGINEERING SERVICES (THROUGH 12/18/21)		2,880.00
	01/13/2022	4776 Accounts Payable	THE MEJORANDO GROUP		4,084.74
	Invoice	Date	Description		Amount
Check	70-2021	01/03/2022	TRAINING 12/3/2021		4,084.74
	01/13/2022	4777 Accounts Payable	JARVIS FAY & GIBSON, LLP		1,026.00
	Invoice	Date	Description		Amount
Check	15938	11/30/2021	LEGAL SVCS - 11/21		1,026.00
	01/13/2022	4778 Accounts Payable	JOINT VENTURE SILICON VALLEY		2,740.00
	Invoice	Date	Description		Amount
Check	723EDANEWAR	06/14/2021	JOINT VENTURE SILICON VALLEY 21-22 SVEDA ULI DUES		2,740.00
	01/13/2022	4779 Accounts Payable	LSL CPAs		1,372.00
	Invoice	Date	Description		Amount
Check	47725	12/31/2021	AUDITING SERVICES - 2021 MEASURE B/BB, GG, VRF, TDA, UUT		1,372.00
	01/13/2022	4780 Accounts Payable	LINCOLN AQUATICS		651.21
	Invoice	Date	Description		Amount
Check	SL032617	12/09/2021	CALCIUM CHLORIDE PILLS		651.21
	01/13/2022	4781 Accounts Payable	LOOMIS		348.66
	Invoice	Date	Description		Amount

Check	12946559	12/31/2021	ARMORED CAR SERVICE - 12/21	348.66
Check	01/13/2022	4782 Accounts Payable	MACQUARIE EQUIPMENT CAPITAL INC.	822.22
	Invoice	Date	Description	Amount
Check	20538	01/04/2022	CMO & PD RECORDS COPIER AND HP PRINTERS - 12/24/21-1/23/22	822.22
Check	01/13/2022	4783 Accounts Payable	MEYERS NAVE, A PROFESSIONAL CORPORATION	1,386.00
	Invoice	Date	Description	Amount
Check	186343	12/17/2021	LEGAL SVCS - SANCTUARY WEST 11/21	714.00
	186345	12/17/2021	LEGAL SVCS 11/21	84.00
	186346	12/17/2021	LEGAL SVCS - FMC WILLOW 11/21	462.00
	186347	12/17/2021	LEGAL SVCS - MOWRY VILLAGE 11/21	126.00
Check	01/13/2022	4784 Accounts Payable	MIKE YORKS INVESTIGATIONS	2,400.00
	Invoice	Date	Description	Amount
Check	2021-21	12/29/2021	BACKGROUND INVESTIGATIONS 12/01-12/28/21	450.00
	2021-17	12/14/2021	BACKGROUND INVESTIGATIONS 10/11-12/14/21	1,950.00
Check	01/13/2022	4785 Accounts Payable	MNS ENGINEERS INC	18,998.50
	Invoice	Date	Description	Amount
Check	79433	12/21/2021	ENGINEERING INSPECTION SERVICES (11/1/21-11/30/21)	18,998.50
Check	01/13/2022	4786 Accounts Payable	NAVIA BENEFIT SOLUTIONS CLIENT PAY	109.20
	Invoice	Date	Description	Amount
Check	10401351	12/30/2021	COBRA ADMINISTRATION FEES DECEMBER 2021	109.20
Check	01/13/2022	4787 Accounts Payable	OCCUPATIONAL HEALTH CENTERS OF CALIFORNIA	997.00
	Invoice	Date	Description	Amount
Check	73780841	12/08/2021	PRE-EMPLOYMENT/DOT PHYSICALS 12/8/21	388.00
	73855773	12/15/2021	PRE-EMPLOYMENT/DOT PHYSICALS 12/15/21, 12/21/21	148.00
	73915869	12/23/2021	PRE-EMPLOYMENT/DOT PHYSICALS 12/23/21, 12/27/21, 12/28/21	461.00
Check	01/13/2022	4788 Accounts Payable	PACIFIC GAS & ELECTRIC	2,860.12
	Invoice	Date	Description	Amount
Check	2305-123121	12/31/2021	ELECTRICITY CHARGES STREET/TRAFFIC LIGHTS (11/29/21-12/26/21)	98.61
	9045-123021	12/30/2021	ELECTRICITY CHARGES STREET/TRAFFIC LIGHTS (10/27/21-12/24/21)	334.94
	7460-121521	12/15/2021	ELECTRICITY CHARGES STREET/TRAFFIC LIGHTS (10/29/21-11/30/21)	2,426.57
Check	01/13/2022	4789 Accounts Payable	RUTAN & TUCKER, LLP	10,281.00
	Invoice	Date	Description	Amount
Check	913336	11/18/2021	LEGAL SVCS - SANCTUARY WEST 10/21	10,281.00
Check	01/13/2022	4790 Accounts Payable	SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.	76,958.31
	Invoice	Date	Description	Amount
Check	SF-00997742	01/04/2022	WC CLAIMS DECEMBER 2021	76,958.31
Check	01/13/2022	4791 Accounts Payable	STANTEC CONSULTING SERVICES INC	30,556.60
	Invoice	Date	Description	Amount
Check	1847772	10/26/2021	EIR CONSULTING FOR MOWRY VILLAGE PROJECT 08/18-09/21/21	5,607.35
	1855424	11/16/2021	EIR CONSULTING FOR MOWRY VILLAGE PROJECT 09/29-10/29/21	4,451.00

EIR CONSULTING FOR MOWRY VILLAGE PROJECT 11/01-11/24/21				T-MOBILE		Amount	
Check	1888076	12/16/2021	4792 Accounts Payable	Invoice	Description	Amount	20,498.25
	01/13/2022						138.96
							Amount
Check	966241989-122121	12/21/2021	4793 Accounts Payable	Invoice	IPHONE SVC 11/21-12/20/21	138.96	
	01/13/2022				THE ED JONES CO INC	92.53	
							Amount
Check	49640	11/08/2021	4794 Accounts Payable	Invoice	BADGES & INSIGNIA - STERLING TOP RIBBON FOR 514 BADGE	92.53	
	01/13/2022				TYLER TECHNOLOGIES, INC.	1,467.00	
							Amount
Check	045-363437	12/09/2021	4795 Accounts Payable	Invoice	TIMEKEEPING AND ADVANCE SCHEDULING IMPLEMENTATION - 11/01-11/30	1,467.00	
	01/13/2022				U.S. BANK CORPORATE PAYMENT SYSTEMS	19,801.17	
							Amount
Check	122221STMT	12/22/2021	4796 Accounts Payable	Invoice	CC PAYMENT 12/22/21	19,801.17	
	01/13/2022				VAN DERMIDEN MAKUS LAW CORPORATION	7,318.30	
							Amount
Check	19293	12/18/2021	4797 Accounts Payable	Invoice	NOVEMBER 2021- MATTER 02201	7,318.30	
	01/13/2022				VERIZON WIRELESS	7,328.56	
							Amount
Check	9895328649	12/18/2021	4798 Accounts Payable	Invoice	CELL/TABLET/WIFI SERVICE - 11/19-12/18/21	4,149.51	
	9895328650	12/18/2021			IPHONE SVC 11/19-12/18/21	3,179.05	
	01/13/2022				NONIZA , CHERYL	1,420.00	
							Amount
EFT	635393	01/07/2022	182 Accounts Payable	Invoice	CANCELLED COMM. CTR. RENTAL DUE TO RISE IN COVID. FULL REFUND.	1,420.00	
	01/13/2022				SPECTRUM SMALL BUSINESS SERVICES, 083009060 / 3915155055 LLC	7,500.00	
							Amount
	2124	01/10/2022		Invoice	EGCP - EXCEPTIONAL COVID-19 GRANT ADMIN ARPA FUNDS	7,500.00	
							Amount
AP ZBA ACCOUNTS PAYABLE Totals:							\$264,497.10
						Transactions: 38	
						Checks: 37	\$256,997.10
						EFTs: 1	\$7,500.00



STAFF REPORT

Item D. 2.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Approval of January 6, 2022, and January 13, 2022, minutes

Attachments

January 6, 2022 Minutes
January 13, 2022 Minutes



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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



Minutes Special Meeting Thursday, January 6, 2022 6:00 P.M

A. ROLL CALL

Mayor Nagy called the meeting to order at 6:12 p.m. Present were Council Members Bucci, Collazo, Freitas, and Vice Mayor Hannon.

B. CITY MANAGER REPORTS

1. Adopt a Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning January 6 Pursuant to AB 361 Resolution No. 11301

Interim City Attorney Kokotaylo gave the staff report recommending approval of a resolution to allow the City Council and legislative bodies to continue holding virtual meetings.

No one from the public requested to speak.

Vice Mayor Hannon moved, Council Member Bucci seconded, to adopt a Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning January 6 Pursuant to AB 361. The motion passed, 5 AYES.

C. ADJOURNMENT

Mayor Nagy adjourned the meeting at 6:18 p.m.



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 13, 2022
7:00 P.M.

A. ROLL CALL

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

B. PRESENTATIONS

1. Introduction of employees

Mayor Nagy introduced Chief Building Official Matthew Farrell, Sergeant Matt Warren, and Recreation and Community Services Manager Nick Cuevas.

C. PUBLIC COMMENT

No one from the public requested to speak.

D. CONSENT CALENDAR

Council Member Bucci moved, Council Member Collazo 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 December 9, 2021, minutes

3. Adopt a Resolution authorizing the City Manager to execute a purchase order with ePlus Technology, Inc., in an amount not to exceed \$62,000 and approving a budget appropriation of \$62,000 from the equipment replacement reserve fund to Information Systems Division contractual services for Rubrik.
Resolution No. 11302

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt resolutions authorizing the application for Homekey Grant Funding and allocation of American Rescue Plan Act Recovery Plan and Housing Impact Fee Funds for the TownePlace Suites Homekey Project at 39802 Cedar Boulevard
Resolution No. 11303 authorizing application
Resolution No. 11304 assignment of funds

Community Development Director Turner stated that the owner of the Towne Place Suites Hotel at 39892 Cedar Boulevard is interested in selling the property to Allied Housing. Allied Housing and Abode Services would like to convert the 125 suites into residential units and community space through the State's Homekey grant program. The Homekey program provides affordable housing in existing hotels and other buildings to low-income California households and those who are experiencing or at-risk of becoming homeless.

Community Development Director Turner recommended that the City Council authorize a joint application with Allied Housing, Inc. to apply for Homekey Grant funding through the State and a \$1.5 million allocation of American Rescue Plan Act funds, and \$4.5 million allocation of Affordable Housing funds to be used for site acquisition and resident services purposes for the Homekey Towne Place Suites project. Presentation on file with City Clerk

Louis Chicoine CEO, Abode Services stated that he was excited about the project because it would have a major impact on a social problem. This particular site would allow this project to be completed cheaper and quicker than other sites.

Public Comment opened:

Mr. Ghi outlined his concern that there was not enough public notification, the expense of the program, the negative impacts to retail and health services, and the attraction of more homeless to the community. He stated that he could support a project that helped teachers, restaurant workers, or low income with a work requirement.

Vishnu stated that he was concerned with the project near his home and the safety of the existing community. He requested that the City select a different location for this project.

Srini asked if an analysis of home values near the project was completed because it will reduce homes value. Safety of the community was a concern, noting that some homeless have drug abuse problems. Srini suggested moving the project to the city outskirts.

Charles Chen stated that Challenger School is close to the property and asked who would be responsible if children were hurt. The homeless around the plaza have mental issues. He stated that this project was not wise for the City. He would prefer to help homeless with jobs instead of housing.

Raza Jafri found out about project today and did not feel safe with this project. There is lots of trash in the area and shopping carts from the homeless.

Akshay stated that this project will have a negative impact, create a nuisance and they will lose their peace of mind in the neighborhood. The homeless go through their trash. He stated that the project was great idea, but a bad location.

Jay Naik stated that the community needs to be better informed when a project like this is proposed. There are homeless camping in the neighborhood who are threatening and the police do not do anything.

Sham stated resident security as a concern. The homeless in the area bring trash and the Police cannot patrol enough for this issue. Sham suggested that it would be better to empower the homeless to make a living.

Tamim stated that this site is not the right space for this project. This is about safety of children. Tamim stated that he thought the crime rates for the motel near Mowry Avenue were high.

Chirag Joshi stated his concern with the plan, the presentation, and children's safety. He stated that the police do not have enough resources and the addition of more homeless would not help.

Pardeep Gonzales stated that there is a large homeless population. She has been harassed by them and they have mental health issues. She asked: if there will be help with mental health, if data has been analyzed from other cities that have housed the homeless, will individuals be vetted, and can the data be presented to the community.

Radish Zoom stated that safety was his primary concern and did not want children to walk past the homeless on their way to school. He asked: how the location was chosen, what is the legal process to raise an objection, was there time to oppose the plan, and what were the plan deadlines.

Zhongli stated that based on negative online reviews, he did not think that Abode Services was the right organization for this project. He suggested that the City vet Abode Services and make sure there were no conflicts of interest.

Mike and Nicole Verdue stated that a mentally ill homeless man has gotten violent recently. The police have investigated him, but he will not leave. The homeless have tried to enter their home and they saw zero benefit to the tax paying residents.

Peggy stated that she was worried because she did not receive any notification for this project. She asked what the budget was for the homeless issue and would the city increase taxes.

Rutvik Choksi asked: what would happen when the grant money was depleted; what has been the impact in other communities with similar projects, was it necessary for Newark to do this, and what other locations were considered. He thought the presentation had a limited view of the problem.

Dhruvil stated that he moved to Newark in the last 8 months and has seen issues in the community. People become homeless by choice to some extent. When you help them, they harass people in the area.

Shivani stated that there were issues with homeless in the area. She did not feel safe to walk and was concerned that the project would depreciate the area. She requested additional funds for the police to help the community.

Ana Apodaca, former City Council Member, stated that she was excited to read about this project today. She stated that this was a great project for our community and our homeless. She added that she was a longtime supporter of Abode Services.

Andrew stated that the project would attract more homeless to the area. He asked if there would be drug/alcohol treatment for the residents and additional security for the surrounding area. He asked what type of notification was sent of the project.

Mike stated that housing alone did not solve homelessness, they need services such as mental health, medical care, career training, and security. The project will attract more homeless. He viewed this project as a money maker for the developer.

Puneet Aneja stated that the project will shatter the dreams of people like him who worked hard for their homes. There will be safety, hygiene, and mental torture issues for the current residents. He requested moving the project away from residential areas.

Poonam Daswani asked how the project will impact their investments. She did not think placing the project in a residential area was the right option. She asked how the City would take project input from all Newark residents.

Diane Shaw stated that she supported the project and was surprised by the

misinformation and fear of change. She noted that she resides within a mile of the area and thought it was a great location, near transit.

Nicole Izant stated that she would have appreciated housing help when she was younger. Some families experience temporary housing and need help. She hoped that the community could pull together and be supportive.

Ashley Mo stated that she moved here in 2020 and lives in fear. She frequently checks her security camera and has experienced package thefts. She did not see how this project would help the neighborhood.

Saurabh stated that she sees people who have mental health issues in the community every day. What analysis was done to select this location. Crime will increase in this area. There will be negative impacts to retail, housing, and tourism.

Seerath Basravi stated safety concerns and the need for a vetting process for who is approved to live in the building. Not enough information has been shared on what is going to happen.

Kai agreed with previous speakers regarding lack of notification, project process, and consideration of other locations. She requested community involvement to help choose the right location for the project. She stated that this project does not seem like the right fit with the plan to revamp NewPark Mall.

Debjani shares some of the concerns of previous speakers. How to vet applicants, get jobs for them, additional police funding.

Aditi asked if there will be a screening of the people and who can qualify for the housing units.

Janelle stated that she chose this location for a safe area to start a family. She has experienced package theft and her neighbors' cars stolen. She does not feel safe in this neighborhood. She stated that better notification could have been sent out to the neighborhood.

Vikram Moharir bought his home because he thought Newark has potential for the future. He stated that this project should have been communicated earlier. He asked if the city could guarantee the safety of the residents

Bryan stated that he was in favor of this project. He noted that you can be successful and still live under the poverty line. He stated that the previous speakers blamed crime on a project that does not even exist yet.

Tina stated that she was concerned with the project, crime, and mental health issues. She asked how the project would be managed for the safety of the community.

Theresa Ballard Dias stated that she was a former Planning Commissioner, former board member of Abode Services and currently worked in affordable housing development. She stated that we all have a responsibility to help the homeless and that Abode provides wrap around services and expertise.

Ayaan Faisal stated that he would not feel safe walking to the high school past the homeless project.

Public Comment closed.

City Council discussion ensued.

Louis Chicoine, Abode Services stated that they sent out 500 letters to the surrounding area inviting them to the community meeting. They will put together questions and answers and post it on their website. Every household will have a tenant lease. They will have 5 staff members to help the residents with their needs. They have projects in Fremont similar to this one, that include tenant leases so people have obligations to pay modified rent, services to support them, and expectations that they are good neighbors. They have 7,000 units across the Bay Area. They help families.

Community Development Director Turner stated that this meeting is the first step in the project to seek funds. There could be opportunities to do additional community outreach about the project.

Ken Smith, president Board of Directors of Abode Services and a realtor in the Bay Area, stated that property values often go up after an Abode Services project, because the homeless are no longer on the street. A lot of teachers and children are homeless and need help.

Council Member Bucci moved, Council Member Collazo seconded to adopt resolutions: 1) Authorizing joint application for participation in, and subsequent city council approval, receipt of Homekey Program Grant Funds for the development of affordable housing; and 2) Authorizing the assignment of: (1) up to \$1,500,000 of American Rescue Plan Act Recovery Plan Funds and (2) up to \$4,500,000 of City of Newark Affordable Housing Funds for development of affordable housing through the Homekey Program at Towne Place Suites located at 39802 Cedar Boulevard. The motion passed, 5 AYES.

G. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn meeting in memory of former City Council Member Louis Cortez, who served on the City Council from 1972 to 1991. The City Council members extended their condolences.

Council Member Bucci apologized to Louis Chicoine for the name calling at the meeting.

Council Member Collazo stated that Mr. Cortez was a friend of her father. She thanked the Newark Unified School District for allowing the Whiteford Preschool to be used as a COVID-19 testing site. Shop Newark.

H. CLOSED SESSION

I. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9:47 p.m. in memory of former City Council Member Louis Cortez.



STAFF REPORT

Item D. 3.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Kristopher Kokotaylo, Interim City Attorney
SUBJECT Adopt a Resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic

RECOMMENDATION

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

EXECUTIVE SUMMARY

The City Council ratified a proclamation of local emergency on March 17, 2020, as a result of the COVID-19 Pandemic. The local emergency was confirmed by the Council in accordance with State law on the following dates: May 14, 2020, July 9, 2020, September 2, 2020, October 22, 2020, December 10, 2020, January 28, 2021, March 25, 2021, May 13, 2021, June 24, 2021, July 22, 2021, September 9, 2021, October 28, 2021 and December 9, 2021.

City staff recommends that the City Council confirm the continued existence of the local emergency in order to mobilize resources, seek reimbursement of related expenditures, and provide immunity to governmental officials for certain acts. Extending the local emergency would also continue many of the City's temporary policies that were adopted in response to the pandemic, including the eviction moratorium, changes to the zoning code to allow outdoor business activities, and the 15% cap on fees charged by food delivery providers to our local restaurants.

BACKGROUND

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

Pursuant to State law (see Government Code Section 8630), any City Council that declares a local emergency must confirm the existence of the local emergency every

sixty (60) days until the local emergency ceases. Accordingly, the City Council adopted resolutions confirming the continued existence of the local emergency due to the COVID-19 Pandemic on the following dates: May 14, 2020, July 9, 2020, September 2, 2020, October 22, 2020, December 10, 2020, January 28, 2021, March 25, 2021, May 13, 2021, June 24, 2021, July 22, 2021, September 9, 2021, October 28, 2021 and December 9, 2021.

Various governmental agencies have declared an emergency as a result of the pandemic, including the President of the United States and the Governor of the State of California. Many cities in California have likewise declared a local emergency and have continued to confirm the existence of the local emergency within the statutorily required 60 day time period.

DISCUSSION/ANALYSIS

The conditions that prompted the original declaration of a local emergency continue to exist and health officials are still learning more information regarding the nature of COVID-19 and how it is transmitted. Community transmission of COVID-19 continues to occur, and the number of total cases within Alameda County continues to rise. Most recently, the “Delta” variant, which is more easily transmitted, has led to an increase in COVID-19 cases within Alameda County. The public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist.

At the time of this writing (January 18, 2022) there have been 193,276 confirmed cases within the County, with 4,271 of those cases being Newark residents. To date, there have been 1,565 deaths in our County that have been caused by COVID-19.

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

Further, many of the City’s temporary policies that were adopted in response to the pandemic in order to support the local economy are tied to the expiration of the local emergency. This includes the eviction moratorium, the temporary zoning code changes to allow certain business to operate outdoors, and the 15% cap of fees charged by third party food delivery service providers to our local restaurants. If the local emergency is not extended, then these policies would automatically be rescinded.

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

FISCAL IMPACT

There is no direct fiscal impact associated with adopting the accompanying resolution that extends the local emergency. However, the City will consider all options available to seek reimbursement for expenses through appropriate authorities.

REVIEW AND APPROVAL

Prepared by – Kristopher J. Kokotaylo, Interim City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Continued Emergency Resolution

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING THE CONTINUED EXISTENCE OF
A LOCAL EMERGENCY DUE TO COVID-19

WHEREAS, Government Code Section 8630 and Newark Municipal Code Section 2.16.060 authorize the Director of Emergency Services to proclaim a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist if the City Council is not in session and provides that the City Council shall ratify the proclamation within seven days thereafter; and

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 first identified in China 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, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on July 9, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on September 2, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on October 22, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on December 10, 2020, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on January 28, 2021, the City Council adopted a resolution confirming the continued existence of the local emergency; and

WHEREAS, on March 25, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on May 13, 2021, the City Council adopted a Resolution confirming the

continued existence of the local emergency; and

WHEREAS, on June 24, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on July 22, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on September 9, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on October 28, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, on December 9, 2021, the City Council adopted a Resolution confirming the continued existence of the local emergency; and

WHEREAS, pursuant to Government Code Section 8630 the City Council must periodically review the need for continuing the local emergency; and

WHEREAS, pursuant to Government Code Section 8630, the City Council must review the need for continuing the local emergency at least every sixty (60) days; and

WHEREAS, the conditions that prompted the original declaration of a local emergency continue to exist; and

WHEREAS, the recitals contained in Resolution No. 11031 adopted by the City Council on March 17, 2020, the recitals contained in Resolution No. 11048 adopted by the City Council on May 14, 2020, the recitals contained in Resolution No. 11100 adopted by the City Council on July 9, 2020, the recitals contained in Resolution 1111 adopted by the City Council on September 2, 2020, the recitals contained in Resolution No. 11127 adopted by the City Council on October 22, 2020, the recitals contained in Resolution No. 11145 adopted by the City Council on December 10, 2020, the recitals contained in Resolution No. 11166 adopted by the City Council on January 28, 2021, the recitals contained in Resolution No. 11177 adopted by the City Council on March 25, 2021, the recitals contained in Resolution No. 11197 adopted by the City Council on May 13, 2021, the recitals contained in Resolution No. 11219 adopted by the City Council on June 24, 2021, the recitals contained in Resolution No. 11244 adopted by the City Council on July 22, 2021, the recitals contained in Resolution No. 11252 adopted by the City Council on September 9, 2021, the recitals contained in Resolution No. 11265 adopted by the City Council on October 28, 2021, and the recitals contained in Resolution No. 11281 adopted by the City Council on December 9, 2021 are incorporated into this Resolution as if stated herein; and

WHEREAS, while there has been progress in mitigating the spread of COVID-19, community transmission of COVID-19 has continued to occur and health officials are still learning

more information regarding the nature of COVID-19 and how it is transmitted. New variants of COVID-19 that are more easily transmissible, including the “Delta” and “Omicron” variants, have become more prevalent and present new risks; and

WHEREAS, as of December 20, 2021, the Omicron variant has been detected in most states and is rapidly increasing the proportion of COVID-19 cases it causes; and

WHEREAS, the number of cases within Alameda County has continued to rise, and there are now 193,276 confirmed cases of COVID-19 within the County, and 1,565 deaths as of January 18, 2022; and

WHEREAS, the public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist; and

WHEREAS, the health, safety, and welfare of Newark residents, businesses, visitors, and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

WHEREAS, the City may require additional assistance in the future, and a formal declaration of emergency allows the City to access resources in a timely manner in a timely fashion; and

WHEREAS, the City Council finds that conditions of extreme peril to the safety of persons and property within the territorial limits of the City related to COVID-19 pandemic continue in existence; and

WHEREAS, the City Council finds that extraordinary measures are required to protect the public health, safety, and of persons and property within the City that are or are likely to be beyond the control or capability of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the City Council desires to confirm the continued existence of a local emergency within the City of Newark due to COVID-19.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Newark hereby declares as follows:

1. The local emergency declared by Resolution No. 11031 due to the COVID-19 pandemic continues to exist within the City of Newark.
2. During the existence of the declared local emergency, the powers, functions, and duties of the City Manager, acting as Director of Emergency Services, and the emergency organization of this City shall be those prescribed by State law and by ordinances and resolutions of the City of Newark.
3. The declaration of local emergency shall remain in effect until such time that the City Council determines that the emergency conditions have been abated.

4. City staff is directed to place an item on the agenda for review at least every sixty (60) days from the effective date of this Resolution to determine the need for continuing the local emergency pursuant to Government Code Section 8630.



STAFF REPORT

Item D. 4.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Kristopher Kokotaylo, Interim City Attorney
SUBJECT Adopt a Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning January 27 Pursuant to AB 361

RECOMMENDATION

Staff recommends that the City Council adopt a resolution to continue conducting City Council and all other City Council appointed Board and Commission meetings remotely due to health and safety concerns for the public and making related findings in compliance with AB 361 (2021).

EXECUTIVE SUMMARY

Since near the start of the COVID-19 pandemic the City has been able to conduct meetings of its legislative bodies remotely pursuant to Executive Order N-29-20, which suspended certain provisions of the Brown Act allowing the City to conduct its meetings virtually. On June 11, 2021, Governor Newsom issued an Executive Order that ends the clauses of Executive Order N-29-20 which suspended those provisions of the Brown Act on September 30, 2021. Governor Newsom signed AB 361 into law on September 16, 2021. AB 361 allows the City to continue conducting virtual meetings where the Governor has proclaimed a State of Emergency and state or local health officials have imposed or recommended social distancing or where the City Council has declared the need to meet remotely due to imminent risks to the health or safety of attendees.

On September 23, 2021, the City Council made the necessary findings pursuant to AB 361 to continue to conduct virtual meetings. AB 361 requires that the City Council revisit the need to continue conducting virtual meetings every 30 days. The City Council last made the necessary findings on January 6, 2021.

Staff and the City Attorney recommend that the City Council adopt a resolution making the necessary findings pursuant to AB 361 to continue conducting virtual meetings. Absent further action of the City Council, the City's legislative bodies would need to continue in-person meetings 30 days after January 6, 2021.

BACKGROUND

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State address the broader spread of COVID-19.

On March 17, 2020, the City Council adopted a Resolution ratifying the proclamation of a local state of emergency by the Director of Emergency Services due to COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

The City has established virtual meetings for all City Council and City Council appointed Board and Commission meetings. The virtual meetings have allowed the Council and advisory bodies to continue to conduct City business from remote locations while ensuring the public's continued access to government meetings in a safe manner.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to public meetings held in full compliance with the Brown Act.

Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within the Alameda County. As a result, the Alameda County Health Officer issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021. Additionally, since then, the highly contagious Omicron variant has emerged and has resulted in the greatest nationwide COVID-19 infection rate since the beginning of the COVID-19 pandemic. On December 8, 2021, in response to the continued presence and rise of COVID-19 cases, the Alameda County Health Officer issued another order requiring that all persons, regardless of vaccination status, wear face masks in all indoor public settings, venues, gatherings, and workplaces.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Council make specified findings. AB 361 took effect immediately.

The City Council adopted a resolution pursuant to AB 361 on September 23, 2021 in order to allow the City's legislative bodies to continue conducting virtual meetings after September 30, 2021. The resolution included all of the necessary findings required pursuant to AB 361. The City Council has adopted continued resolutions since that time.

DISCUSSION/ANALYSIS

The California Legislature approved AB 361 and the Governor signed the bill into law on September 16, 2021. AB 361 allows local legislative bodies to continue to meet remotely after the expiration of the clauses of Executive Order N-29-20 which suspended certain Brown Act provisions. Under AB 361, the City and its legislative bodies will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency;
- State or local health officials have imposed or recommended measures to promote social distancing;
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees.

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency, and the City Council has ratified the proclamation of a local emergency by the Director of Emergency Services;
- County Health orders require that individuals in indoor public spaces wear masks and the CDC recommends social distancing of at least six feet due to COVID-19;
- The Delta variant of COVID-19 has resulted in a significant increase of COVID-19 cases within the state and throughout Alameda County;
- Meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.

Now that AB 361 was signed into law, the City Council will need to declare every 30 days that the City's legislative bodies must continue to meet remotely in order to ensure the health and safety of the public.

The proposed resolution includes the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to continue meeting remotely.

FISCAL IMPACT

There is no direct fiscal impact of adopting this Resolution.

REVIEW AND APPROVAL

Prepared by – Kristopher J. Kokotaylo, Interim City Attorney

Approved by – David J. Benoun, City Manager

Attachments

AB 361 Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING CONTINUED REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF NEWARK FOR THE 30 DAY PERIOD BEGINNING JANUARY 27 PURSUANT TO AB 361

WHEREAS, all meetings of the City of Newark’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 17, 2020, the City Council adopted a Resolution ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and meetings of all legislative bodies within the City; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ends the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the City Council make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body

determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has declared a State of Emergency due to COVID-19; and

WHEREAS, since issuing Executive Order N-08-21, the highly contagious Delta and Omicron variants of COVID-19 have emerged, causing an increase in COVID-19 cases throughout the State and Alameda County; and

WHEREAS, on August 3, 2021, in response to the Delta variant of COVID-19, the Alameda County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces; and

WHEREAS, following the Alameda County Health Order the Omicron variant emerged and was designated as a variant of concern by the United States; and

WHEREAS, the emergence of the highly contagious Omicron variant has resulted in the greatest nationwide COVID-19 infection rate since the beginning of the COVID-19 pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the rise in cases due to the Delta and Omicron variant of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and meetings of the City’s other legislative bodies; and

WHEREAS, on September 23, 2020¹, the City Council found that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should the City’s legislative bodies hold in person meetings; and

WHEREAS, the City Council has subsequently found that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should the City’s legislative bodies hold in person meetings; and

WHEREAS, the City Council finds that the imminent risks of the City’s legislative bodies holding in person meetings to the health or safety of attendees continues to exist due to the Delta and Omicron variants of COVID-19; and

WHEREAS, the City shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

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

1. The above recitals are true and correct, and incorporated into this Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following continued findings:

- a) The City Council has reconsidered the circumstances of the state of emergency; and
- b) The state of emergency, as declared by the Governor and City Council, continues to directly impact the ability of the City Council and the City's legislative bodies, as well as staff and members of the public, from meeting safely in person; and
- c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the increase of cases due to the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. City Council and City's legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.

4. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.



STAFF REPORT

Item D. 5.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Steven Turner, Community Development Director
SUBJECT Adopt a Resolution Authorizing the City Manager to Execute a Contractual Services Agreement with Environmental Services Inc. and Authorizing Amendment of the 2020-2022 Biennial Budget for Fiscal Year 2022 to Provide Funding for General Plan Updates related to the Services Associated with the 2023-2031 Housing Element

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution of the City Council of the City of Newark Authorizing the City Manager to Execute a Contractual Services Agreement with Environmental Services Inc. and Authorizing Amendment of the 2020-2022 Biennial Budget for Fiscal Year 2022 to Provide Funding for General Plan Updates related to the Services Associated with the 2023-2031 Housing Element.

EXECUTIVE SUMMARY

The City has relied upon professional consultants to provide services and experience that City staff are unable to provide, such as technical traffic and circulation studies and environmental review services, as well as additional technical assistance when there is increased volume of work or when staff resources are low. The Community Development Department (CDD) has current needs for technical assistance, particularly for preparation of the update to specific General Plan elements, including the Housing Element.

In accordance with the City's Purchasing Rules and Regulations, staff prepared and initiated an open and competitive Request for Proposal (RFP) for the update to the housing element and related studies and analysis. Unfortunately, the City did not receive any responses to the RFP. Upon staff's request, the City's existing affordable housing consultant, Baird + Driskell prepared a scope of work to prepare the update. Baird + Driskell identified Environmental Services Associates Inc. (ESA) as an experienced consultant for preparation updates to Health and Wellness and Environmental Hazards General Plan elements, as well as the required analysis under the California Environmental Quality Act.

The costs associated with the ESA scope of work is \$252,740. Funding for this request would be provided from the Community Development Maintenance Fund and from a Local Early Action Planning (LEAP) Grant in the amount of \$150,000. Staff recommends that the City Council adopt a resolution to execute a contractual service agreement with ESA Inc. and amend the 2020-2022 Biennial Budget for Fiscal Year

2022 to provide funding for this agreement.

BACKGROUND

The City has relied upon professional consultants to provide services and experience that City staff are unable to provide, such as technical traffic and circulation studies and environmental review services, as well as additional technical assistance when there is increased volume of work or when staff resources are low. For example, the City currently has several contractual services agreements with consultants for on-call Public Works Construction Inspection and Civil Engineering Development Plan Review services. The City also has agreements with on-call planning entitlement review consultants, such as Metropolitan Planning Group. These contractual services agreements provide the City with flexibility to address service and experience needs while maintaining high customer service levels.

The Community Development Department (CDD) has current needs for technical assistance, particularly for preparation of the update to the General Plan Housing Element. Currently, CDD consists of two professional planners to perform current and long-range planning activity within the Planning Division. Staff includes the Community Development Director and the Deputy Community Development Director. Two positions are vacant (Senior Planner and Associate Planner) and recruitments are underway for those positions. Staff is responsible for administering the City's existing housing policies and programs as well as implementing new policies to address our community's needs and to be consistent with State housing laws. CDD does not have a staff member dedicated to affordable housing. Recently, the City executed a contractual service agreement with Baird + Driskell Community Planning to provide affordable housing policy and program services for the City. Baird + Driskell produced the draft affordable housing workplan that was adopted by the City Council in May 2021. The affordable housing workplan includes a project to update the 2015-2023 Housing Element.

In September 2021, the City Council held a study session to receive information about the upcoming process to update the Housing Element. State law requires that every city and county in California adopt a Housing Element approximately every eight years. The Housing Element is part of Newark's General Plan and identifies policies and actions to meet the housing needs of the City's current and future residents at all income levels. Newark's previous Housing Element was adopted in 2015 and the new document must be adopted by January 2023. This Housing Element update process is expected to be more time intensive and rigorous than previous cycles for several reasons. First, as displayed below, Newark's proposed Regional Housing Needs Allocation (RHNA) is higher than last cycle: 1,874 units compared to 1,078. Also, because of changes in State law, it may be harder to identify sites that can count towards meeting the RHNA. There are also other new rules, such as Affirmatively Furthering Fair Housing and required updates to the City's Health and Wellness and Environmental Hazards elements, which are in effect for the first time this cycle. The scope and complexity for these efforts are such that specialized professional services are required.

DISCUSSION/ANALYSIS

In accordance with the City's Purchasing Rules and Regulations, staff prepared and initiated an open and competitive Request for Proposal (RFP) for the update to the housing element and related studies and analysis. The RFP was made available on the City's website for 26 days between June 29, 2021 and July 26, 2021. The RFP was sent to firms known by CDD staff that provide the requested services. The RFP specified that selection would be made based on quality and completeness of submissions as well as a firm's experience with engagements of similar scope and complexity, satisfaction of previous clients, and staff qualifications. Unfortunately, the City did not receive any responses to the RFP. The competition for local professional consultants is high in that all Bay Area jurisdictions are also updating housing elements. In lieu of re-issuing the RFP, staff requested Baird + Driskell to submit a scope of work including all the services necessary to complete the Housing Element update. Baird + Driskell would be the lead consultant to prepare the update. Baird + Driskell identified Environmental Services Associates Inc. (ESA) as an experienced consultant for preparation updates to Health and Wellness and Environmental Hazards General Plan elements, as well as the required analysis under the California Environmental Quality Act. Baird + Driskell and ESA would work together on this effort. ESA submitted a scope of work described in detail within Attachment 1, Exhibit A. The scope of work contains the following tasks:

Task A: Project Initiation and Data Collection

Task B: Existing Conditions Report

Task C: Environmental Hazard Element Update

Task D: Health, Wellness and Environmental Justice Element

Task E: Initial Study/Mitigated Negative Declaration

Task F: Public Hearings

Task G: Community Engagement Support

FISCAL IMPACT

The costs associated with the ESA scope of work is \$252,740. Staff requests authorization to amend the 2020-2022 Biannual Budget to appropriate \$252,740 from the Community Development Maintenance Fund (Fund 625) for the ESA contractual services agreement. The Community Development Maintenance fund was established by Ordinance No. 441 in 2010 to establish a fee on development and improvement of properties in order to recover expenses for updating the General Plan and Zoning Ordinance. The update to the General Plan's Housing Element and Health and Wellness and Environmental Hazards elements and related studies are consistent with the proposes of Ordinance 441.

In May 2021, City Council authorized the acceptance of a Local Early Action Planning (LEAP) Grant in the amount of \$150,000 (Resolution 11,204). This grant is intended to off-set a portion of the costs associated with the Housing Element Update, thereby reducing the impact to the Community Development Maintenance fund.

Baird + Driskell has assisted the City with initial Housing Element update tasks under their existing contact. The work effort to perform the Housing Element update scope of work identified by Baird + Driskell will exceed the value of the existing agreement. A separate agreement for Baird + Driskell will be considered by the City Council at a future date.

ENVIRONMENTAL REVIEW

Adoption of the resolution for a contractual service agreement is not a project under the California Environmental Quality Act.

REVIEW AND APPROVAL

Prepared by – Steven Turner, Community Development Director

Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney

Approved by – David J. Benoun, City Manager

Attachments

ESA Resolution

ESA Contract

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING A CONTRACTUAL SERVICES
AGREEMENT WITH ENVIRONMENTAL SCIENCES
ASSOCIATES, INC. AND AUTHORIZING AMENDMENT
OF THE 2020-2022 BIENNIAL BUDGET FOR
FISCAL YEAR 2022 TO PROVIDE FUNDING FOR
GENERAL PLAN UPDATES RELATED TO THE 2023-
2031 HOUSING ELEMENT

WHEREAS, the Community Development Department issued a Request for Proposal (RFP) for General Plan updates and related analysis related to the preparation of the 2023-2031 Housing Element (the “Project”); and

WHEREAS, the City did not receive responses to the RFP and in lieu of re-issuing the RFP, the City identified a qualified consultant to perform services for the Project; and

WHEREAS, based on staff’s evaluation, Environmental Service Associates Inc. was determined to be a qualified firm for the Project and desires to enter into a Contractual Services Agreement for the Project; and

WHEREAS, Environmental Sciences Associates Inc.’s costs associated with the Project are in the amount of \$242,740 for Fiscal Year 2021-2022; and

WHEREAS, staff recommends amending the 2020-2022 Biennial Budget for Fiscal Year 2022 appropriating \$242,740 from the Development Maintenance Fund (625) to the Project.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves the Contractual Services Agreement with Environmental Sciences Associates Inc. in an amount not to exceed \$242,740.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute the Contractual Services Agreement, attached hereto, in a form approved by the City Attorney.

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

BE IT FURTHER RESOLVED that the City Council does hereby amend the 2020-2022 Biennial Budget for the Fiscal Year 2021-2022 assigning \$242,740 from the Development Maintenance Fund (Fund 625) for the Project.

CONTRACTUAL SERVICES AGREEMENT CONSULTANTS

This Service Agreement (hereinafter “Agreement”) is made and entered into this 1ST day of DECEMBER, 2021 by and between the **CITY OF NEWARK**, a municipal corporation (“City”), and ENVIRONMENTAL SCIENCES ASSOCIATES, INC., a California corporation (“Consultant”), collectively the “Parties”.

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: preparation of the City of Newark Housing Element update, Environmental Justice Element, Safety Element, related rezoning and all necessary environmental review as required under State law, in a manner consistent with the Regional Housing Needs Allocation 6 (RHNA 6) planning period (2023-2031).

WHEREAS, in response to City’s request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit “A” (“Services”), in return for the compensation described in this Agreement and Exhibit “B”.

WHEREAS, in reliance upon Consultant’s documentation of its qualifications, as set forth in Exhibit “C”, City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT’S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit “A” in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit “A”, the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit “A”; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant’s work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant’s officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City’s performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant’s performance must be governed by sound professional practices.

3. COMPENSATION.

A. “Not to Exceed” Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant’s hourly or other rates set forth in Exhibit “B”. The payments specified in Exhibit “B” shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of Two hundred fifty-two thousand, seven hundred forty and No/100 Dollars (\$252,740.00) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant’s billing rates (set forth on Exhibit “B” hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit “B”; or, if no manner is specified in Exhibit “B”, then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit “B”, for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant’s Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant’s failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant’s payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by

written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. **Information from City.** City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. **Consultant's Accounting Records.** Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. **Ownership of Work Product.** All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. **CONFLICTS OF INTEREST PROHIBITED.** Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. **NONDISCRIMINATION.** Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. **COMPLIANCE WITH LAW AND STANDARD OF CARE.** Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. **RESERVED.**

13. RESERVED.

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01 covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and
2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and
4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

- | | |
|---|--|
| 1. General Liability:
(including products and completed operations, property damage, bodily injury, and personal and advertising injury) | \$2,000,000 per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability: | \$1,000,000 per accident for bodily injury or disease. |
| 4. Errors and Omissions Liability: | \$2,000,000 per occurrence or claim; \$4,000,000 aggregate. |

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14, except professional liability, shall include a “wasting” policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant’s breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers (“Additional Insureds”) are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.
2. Primary Coverage. For any claims related to Services, Consultant’s insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant’s insurance and shall not be contribute with it. Consultant’s policy will not seek contribution from the City’s insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful

act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to

practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **STEVEN TURNER, COMMUNITY DEVELOPMENT DIRECTOR** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

**ENVIRONMENMTAL SCIENCES
ASSOCIATES, INC.**

DANIEL DAMERON
Consultant

Address: 550 Kearny Street, #800
San Francisco, CA 94108

CITY OF NEWARK

STEVEN TURNER
Administrator

City of Newark
Attn: Steven Turner
37101 Newark Boulevard
Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

Environmental Sciences Associates,
Inc.
a California corporation

By _____
City of Newark

By *Daniel Dameron* _____
Consultant

Date _____

Date 01/19/22 _____

[Daniel Dameron]
Printed Name

Attest:

City Clerk

Date _____

Approved as to form:

City Attorney

Date _____

EXHIBIT A

SCOPE OF SERVICES

The following provides Consultant's scope of work related to the City of Newark's 2023-2031 6th Cycle Housing Element including the targeted update of the Newark Environmental Hazards Element and Health and Wellness Element to comply with State laws pertaining to safety and environmental justice elements. Also included is a proposed scope of work from Fehr & Peers to conduct evacuation analysis planning consistent with Senate Bill (SB) 99 and Assembly Bill (AB) 747 legislation, as well as Consultant's scope of work to conduct CEQA environmental review in the form of an Initial Study/Mitigated Negative Declaration.

Consultant would update the Health and Wellness Element to include Environmental Justice as many required Environmental Justice topics are found within the Health and Wellness Element, to be renamed, "Health, Wellness and Environmental Justice (HWEJ) Element". We will also update the City's Environmental Hazards element to address new State requirements pertaining to climate change and evacuation route planning. In 2017, the City adopted the Union City/Newark Multi-Jurisdictional Hazard Mitigation Plan, which contains most, if not all, of the information required to update the City's Environmental Hazards Element, with exception to the identification of evacuation routes in residential developments without at least two evacuation routes pursuant to Senate Bill 99; and the identification of evacuation routes and their capacity, safety, and viability under a range of emergency scenarios pursuant to Assembly Bill 747.

The Environmental Hazards update would not include updates to the noise component, unless the City requests that noise be included in the update, which would be an additional cost. Consultant assumes that the City's Housing Element Update lead (B+D Community Planning) will be responsible for conducting community engagement and will generate sufficient input and participation from Newark's disadvantaged communities to satisfy State requirements.

The following provides an outline of our scope of work.

- Task A: Project Initiation and Data Collection
- Task B: Existing Conditions Report
- Task C: Environmental Hazard Element Update
- Task D: Health, Wellness and Environmental Justice Element
- Task E: Initial Study/Mitigated Negative Declaration
- Task F: Public Hearings
- Task G: Community Engagement

Task A: Project Kick-Off and Data Collection

Consultant will attend a kick-off meeting with the project team to understand needs and expectations, turnaround review schedule, and communication and workflow process protocol. Following the kick-off meeting, Consultant will prepare a detailed list of data needs for submittal to the client to support the preparation of background reports for the Safety and Environmental Justice (EJ) Elements.

Task A Deliverables:

- Kick-off Agenda
- Data needs list

Task B: Existing Conditions Report

Environmental Hazards Element Existing Conditions

Subtask B.1a Regulatory Crosswalk

For amending the Environmental Hazards Element with respect to climate change hazards, Consultant will identify the specific regulatory requirements of Senate Bill (SB) 379, SB 1241, and Assembly Bill (AB) 2140, as well as the recommendations included in the California Adaptation Planning Guide 2.0, and 2017 OPR General Plan Guidelines. This "regulatory crosswalk" will identify each section of the Environmental Hazards Element that requires updating, including policy changes and updated data for maps and/or tables. These changes will be listed in the crosswalk and include the page number and recommended updates.

As part of this task, Consultant will review existing City plans and policies relevant to the Environmental Hazards Element update, including the Environmental Hazards Element (2013), Union City/Newark Multi-Jurisdictional Local Hazard Mitigation Plan (2017), Climate Action Plan, the Emergency Operations Plan, and other plans identified by City staff during the kickoff meeting. Consultant will evaluate the existing data and implementation status of the various plans and identify additional data needs to fill any gaps in missing information. It is assumed that data will be collected from the City, outside agencies, and other relevant sources. If additional technical studies are required, Consultant will identify whether a change in the scope of work may be necessary and assist the City in addressing additional needs.

Subtask B.2b Hazard Profiles and Mapping

Consultant will compile the background information from the City's Environmental Hazards Element, MJHMP and other applicable plans, and graphically communicate the information on anticipated hazards and potential effects of climate change. Additionally, to meet the requirements of Government Code Section 65302(g)(4), Consultant will identify communities with high proportions of vulnerable populations, such as older adults, those with limited English proficiency, and those with underlying health conditions. Consultant will use the Healthy Places Index, CalEnviroScreen, and other supporting resources to provide a full assessment of the community and their specific vulnerabilities to each hazard. Consultant will organize each hazard to answer these questions:

What is the climate-related hazard?

When does the hazard occur and how often?

Where in the City is most at risk from this hazard?

Who in the City is the most vulnerable and most affected by this hazard?

How is the City already addressing this hazard?

Consultant will provide hazard profiles and mapping for the following hazards:

- Air quality deterioration
- Extreme weather (heat, drought, wind)
- Localized Flooding and Dam Failure
- Wildfires
- Human health and human-caused hazards
- Hazardous materials
- Earthquake and Geologic Hazards (including landslides)

In accordance with the latest OPR guidance, Consultant will update the climate projections based on the fourth California Climate Change assessment. Using data from the City's Local Hazard Mitigation Plan, Consultant will prepare a map of critical infrastructure, including gathering points, distribution centers, and emergency facilities. In conjunction with this emergency preparedness and disaster planning map, Consultant will prepare an exhibit of visible excavation routes.

For non-climate-related hazards, including earthquake and geologic hazards, landslides, hazardous materials and human-health and human-caused hazards, Consultant will review all new credible technical data and provide maps of the spatial extent of the hazard and historical risk. Specifically, to address seismic hazards, Consultant will review seismic hazard data (e.g., liquefaction areas, age of buildings) and create a qualitative assessment of geologic hazards across the City.

SB 99 Parcel Assessment

Fehr & Peers will map locations with only one point of access. Please note, preliminary discussions with the Office of Planning and Research (OPR) indicates that they are likely to develop 30-unit criteria for identifying these access areas (example: a one way in/out cul-de-sac with fewer than 30 dwelling units along its length would not represent an impact) but there is not currently a defined criterion. Therefore, for the sake of this study, subject to formal guidance being released by OPR, Fehr & Peers will map developed parcels with only one access and color code based on whether there are clusters of 30 or more such parcels along a single access route. To the extent that changes could be implemented to improve accessibility, these will be identified conceptually.

AB 747 Assessment

Fehr & Peers will conduct volume-to-capacity analysis of up to three evacuation scenarios where all Newark population would need to leave the City. This scope assumes up to six study roadway segments. Note that Fehr & Peers would not assess impacts of evacuation scenarios where Newark's population remained within the City as we qualitatively assess that there are enough network redundancies and roadway capacity that

transportation facilities are not likely to present a major constraint. This analysis would identify the likely durations of time to evacuate. Sub-elements of this work would include:

Segregate Newark into evacuation zones (likely based on the MTC or Alameda CTC Travel Demand Model Traffic Analysis Zone) quantifying jobs, households, and vehicle ownership for each. These data would be used to estimate peak hour vehicle trips seeking to evacuate.

Identify internal routes likely to be used for evacuation. This is likely to be synonymous with the arterial system. Fehr & Peers will develop an initial map of these transportation facilities and public and stakeholder outreach conducted by other team members should confirm.

Identify external routes likely to be used in evacuation scenarios. This is likely to be the five interchanges on the north and east edges of the City plus Cherry Street/Boyce Road to the south. These locations should be confirmed through stakeholder outreach.

Conduct peak period volume-to-capacity level analysis of up to six segments for up to three evacuation scenarios. Other team members or the City would be responsible for defining the evacuation scenarios.

This includes gathering (from existing sources) counts at up to six locations to identify current demand and peaking characteristics (the relationship of peak hour traffic to daily traffic).

Evacuation conditions would be assessed for current (2021) conditions (no cumulative analysis).

The Alameda CTC travel demand model socio-economic data (such as people per household, auto ownership, etc.) and engineering judgment would be used to estimate the number of trips and trip assignment/route selection under various evacuation scenarios, some of which could include assumed closures of transportation facilities.

Unless stakeholder outreach indicates otherwise, this analysis would assume that evacuation occurs in the weekday early morning peak, when most residents are home and background traffic is relatively high.

Fehr & Peers will prepare a stand-alone technical memo documenting the process described above for review by Consultant and City staff (one round of review each).

B.3. Environmental Justice Existing Conditions Analysis

Consultant will begin with mapping and data collection, including use of Cal EnviroScreen, followed by detailed analysis for each of the Environmental Justice pillars. The analysis, coupled with public outreach, will form the foundation for preparing goals, objectives, policies and actions to improve the health and well-being of the Newark community, prioritizing actions for those disproportionately burdened by pollution. Per Cal EnviroScreen 4.0, no census tracts in Newark are identified as having an overall pollution burden above the 75th percentile, which is the figure triggering the requirement for an EJ Element; however, there are certain communities with environmental threats that fall above the 75th percentile. For example, in Census Tract 4446, diesel particulate matter (PM), traffic, cleanup sites, groundwater threats, hazardous waste, solid waste, and low birth weights, all are high ranking indicators in that Census tract. In Census Tract 4445, asthma, groundwater threats, hazardous waste, traffic and Diesel PM are also very high. Consultant will rank all indicators and address those that are of concern in Newark.

Subtask B.3a: Data Collection and Mapping

Consultant will utilize multiple data sources to identify and confirm disadvantaged areas, including Cal EnviroScreen, other legislative thresholds, as well as conversations with City departments and community organizations. Consultant will work with the City and community leaders to identify communities and neighborhoods that are disproportionately burdened by pollutions (i.e., disadvantaged communities). This will help us understand the specific needs of the community at the City scale and target specific policy to address those needs. Consultant will work with the City to corroborate and further refine this data directly with the disadvantaged communities, during the public outreach process. Promoting civic engagement for those in disadvantaged communities is imperative if the City is to improve the conditions in their lives and neighborhoods.

All data Consultant collects will be compiled in a GIS database using Urban Footprint. Once this database is generated and initial data from state and federal sources is input into the database, Consultant will generate a list of data needs for City staff and other regional agencies as needed. Consultant will maintain both the data list and data request online in an Excel-based format so that this document can be updated as data is added. The final database and data list will be passed on to the City upon completion of the project.

Subtask B.3a Deliverables:

All background and base data, including any GIS maps and digital data files

Subtask B.3b: Pollution and Air Quality

Consultant will prepare a health risk assessment to analyze specific pollution and health hazards spatially using a combination of local data and data from CalEnviroScreen, the Healthy Places Index, and the Census Bureau. Pollution levels will be broken up and analyzed based on the substance polluted, including air, water, and soil pollution. Safe drinking water will be analyzed based on contaminants and water quality violations. Consultant's analysis of soil pollution will consider toxic releases and hazardous waste, as well as required cleanup sites.

Consultant will map each specific pollution exposure, as well as socioeconomic data that makes populations most susceptible to such hazards. For example, air pollution exposure can vary in response to both air pollution emissions and to population factors that keep people outside during periods of worse air pollution, such as taking transit to work or working outside.

Consultant will review land uses, infrastructure, and policies, including those in consideration as part of the current zoning code update, in order to recommend an equitable way forward. Such policies may include project siting specifications, the capping of densities for certain facilities and uses, and infrastructure development to improve air or water quality. We will discuss recommendations with the City and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element.

Subtask B.3c: Public Facilities

Consultant will obtain spatial data concerning public facilities from City Staff, including places such as public transportation, parks, green space, community centers, grocery stores, health care facilities, childcare, libraries, and cultural centers. Consultant will create graphic heat maps of access to public services to quickly visualize areas of the City that can access these services on foot, bike, or other active transportation. Additionally, Consultant will qualitatively analyze non-physical barriers to public facilities and services, such as the adequacy of programming and the availability of affordable or free programs that can help promote healthy lifestyles. Consultant will then evaluate public facility locations, types, programming, and accessibility using an equity lens. Consultant will outline recommended policies to ensure that new public facilities and services are sited equitably, and provide guidance on adding accessibility, if necessary, to public facilities already in use. We will discuss policy recommendations with the City and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element.

Subtask B.3d: Food Access

Consultant will assess current healthy food sources, identifying all supermarkets, green markets, farmers' markets, food co-ops, urban farming, edible street/path/landscaping, and other stores/pantries that offer affordable, fresh, healthy food. Census tracts will be assessed and prioritized for access to low-cost, fresh, healthy food within walking and biking distance. Consultant will also examine drinking water quality, assessing contaminants and water quality violations. Consultant will then develop a multi-pronged policy approach that addresses access, affordability, and education. Examples of policies include the promotion of urban agriculture, farmers' markets, healthy food supply within supermarkets, food assistance programs, and more. We will discuss policy recommendations with the City and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element.

Subtask B.3e: Safe and Sanitary Homes and Neighborhoods

Using existing and in-progress Housing Element data, census data, code requirements and enforcement, street and sidewalk condition and connectivity, and other health and housing data, the Consultant team will identify environmental justice issues related to housing and neighborhood safety. Factors impacting an individual's health and safety in a living situation will be assessed, including housing habitability, surrounding land uses and transportation infrastructure in relation to safety, lead-based paint, and air conditioning access. Each of these factors can inform Consultant on the current housing stock, and where the most vulnerable families might be located in terms of housing.

The Consultant team will also assess the cost of housing, including homeownership, low-income homeowner housing cost burden, and low-income renter housing cost burden. These factors can be used as indicators of displacement risk. After reviewing current policies, Consultant will recommend policies for affordable, safe, and sanitary living conditions and neighborhoods. We will discuss recommendations with the City and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element.

Subtask B.3f: Health and Physical Activity

Health and physical activity are related to all of the topics previously discussed. Healthy air, safe and convenient access to parks, schools and recreational facilities, and healthy food sources, as well as safe homes and neighborhoods all impact people's health and the amount that they exercise. In addition to the data gathered under previous subtasks, the Consultant team will obtain current information and data to analyze transit accessibility, walkability, and access to parks, schools and recreation. The layout and safety of the transportation network can have a significant impact on the travel choices people make, and thus on levels of physical activity, air pollution, and social capital in a community. Consultant will also examine the spatial distribution of asthma, cardiovascular disease, diabetes, and obesity rates. Each of these factors will be converted into long-term objectives for a healthier vision of the City.

Policy recommendations will be developed to facilitate the reaching of these objectives. We will discuss recommendations with the City and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element.

Subtask B.3g: Civic Engagement

Based on the public outreach conducted during the planning process and described in Task D, this task will focus on summarizing the results of the outreach effort and how it led to an understanding of the disadvantaged communities, their needs, concerns, and local issues, including issues of access and barriers to civic participation opportunities. Consultant will then recommend policies and programs to help promote civic engagement in public decision making in the disadvantaged communities moving forward to advocate and affect change in their community. The City can employ many actions and strategies to increase communication and it can empower the residents to speak up and get engaged in their local government. For example, the City can reach out specifically in the form of City Council visits, City- initiated community meetings, City Hall open houses, and focused appointments to boards and commissions. It is equally important to make sure that residents know how to reach their City officials and staff and what programs are available to them. These actions can increase inclusiveness, transparency, and participation in local affairs by those who can benefit the most. We will discuss recommendations with the City, and upon feedback, develop goals, objectives, policies, and action for inclusion in the HWEJ Element. This subtask will be completed once all community engagement has taken place.

Subtask B.3g Deliverables:

- Summary of public outreach process
- Draft policy recommendations

Task B Deliverables

- B.2: Environmental Hazards Element Regulatory Crosswalk and Existing Conditions Analysis
- B.2 SB 99 and AB 747 Evacuation Analysis Technical Memorandum
- B.3: HWEJ Existing Conditions Analysis

Task C: Environmental Hazards Element Update

Consultant will prepare the Environmental Hazards Element based on the hazard profiles, mapping and community outreach conducted in previous tasks. Consultant will provide a brief summary of each hazard followed by goals, policies and actions, with a focus on modification to existing policies and new policies that minimize risk associated with climate change. These goals and policies will be compared to the OPR guidelines, FEMA requirements, CalOES, and AB 2140 requirements to outline how the plan meets these requirements. Consultant will develop clear actions to implement the goals and policies. These actions will be included in an Implementation Action Table. This table will outline which hazards the actions address, the City or partner agency responsible for implementation, relative cost, timeframe, and future tracking. Future tracking will outline environmental or legislative changes that would support or inhibit implementation of the action.

Consultant will complete an Administrative Review Draft of the Environmental Hazards Element, and after receipt of City comments, prepare a Public Review Draft for review by City officials, agencies and the public. This draft will be a complete and formatted document that includes concise visuals and sidebars explaining relevant state statutes, infographics explaining complex scientific or planning concepts, and relevant maps. The document will follow a format that meets Cal OES-review and FEMA-approval requirements and guidance. Consultant will work closely with state and local staff to ensure the element is adequately addressing state comments and can be certified. This draft will be prepared for submission to the California Geological Survey. Upon positive notification, the document will be sent to Cal OES for review. Upon positive notification from Cal OES, the document will be sent to FEMA for comment, input, and approval. Consultant will incorporate and otherwise address FEMA's concerns and questions during this comment period.

Upon receipt of a collective set of comments from the City, agencies and public, Consultant will then prepare a final Environmental Hazards Element that responds to comments. Consultant will coordinate closely with the City to ensure the plan meets all state requirements as well as direction from City staff and officials. In conjunction with City staff, Consultant will time public hearings so that important meetings with decision makers serve as responses to comments from Cal OES to ensure timely and efficient adoption of a clear and legally defensible Environmental Hazards Element Update.

Task C Deliverables:

- Electronic copy of Administrative Draft Environmental Hazards Element in Microsoft Word format
- Electronic copy of Public Review Draft Environmental Hazards Element in Microsoft Word format and PDF
- Electronic copy of Final Environmental Hazards Element in Microsoft Word format and PDF

Task D: Health, Wellness and Environmental Justice Element

Using the data collected in the previous tasks, Consultant will draft the HWEJ Element. This Element will include goals around the six pillars of SB 1000 and use data-driven policy recommendations vetted by City staff to create targeted objectives, policies, and implementable actions. Consultant will work with local community organizations during policy development to ensure that the HWEJ Element meets the specific needs of the community members of Newark. Consultant will incorporate input from the City and Community Organizations into a draft for public review. Consultant will present the pre-final HWEJ Element, with changes from public review draft incorporated, at a Final Implementation Workshop, where Community Organizations, City officials, and the Newark community will offer any last comments on the HWEJ Element, confirm EJ commitments and procedures going forward, and memorialize lessons learned from the outreach and engagement process.

Task D Deliverables:

- Electronic copy of Administrative Draft HWEJ Element in Microsoft Word format
- Electronic copy of Public Review Draft HWEJ in Microsoft Word format and PDF
- Electronic copy of Final HWEJ in Microsoft Word format and PDF

Task E: IS/MND

This scope of work presents a proposed approach and work plan to conduct CEQA environmental review in the form of an Initial Study/Mitigated Negative Declaration (IS/MND) that tiers off of the certified environmental impact report (EIR) adopted for the City of Newark's 2013 General Plan EIR and subsequent environmental review documents that were prepared to analyze the City's 2015 Housing Element and subsequent projects. Per CEQA, agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues that are ripe for decision at each level of environmental review.

Task E.1: CEQA Project Management and Project Initiation

Luke Evans from Consultant will function as CEQA lead for this project. Luke will oversee preparation of each component of the environmental analysis, coordinating with the consultant team and the City as the housing element update is prepared. Luke will be available to work with the City on the strategy and design of the CEQA process and documents and will provide internal quality control for the environmental document. Monthly invoicing and internal team coordination will occur regularly.

Consultant's CEQA project management team will be available for four (4) project team meetings or conference calls. Consultant assumes one (1) virtual CEQA Kick-off Meeting with the City, B&D, and Consultant to discuss and/or confirm the overall approach to the environmental review process, confirm the components of the proposed housing

element update and if future refinements are necessary, Consultant's scope of work, initial schedule milestones, and anticipated data needs from the City.

Task E.1 Deliverables:

- Participation in four (4) project team meetings or conference calls by Consultant's CEQA leads.
- Participation in one (1) virtual CEQA Kick-off Meeting with the City, B&D, and Consultant.

Task E.2: Draft Initial Study/Mitigated Negative Declaration

Consultant will prepare an Administrative Draft IS/MND for review by City staff. The IS/MND will include a project description based on information provided by B&D and the City and will include: the regional and local setting; housing element history; project objectives; housing element characteristics and components; and other information important to understanding the proposed project. The Administrative Draft IS/MND will include the project description, CEQA environmental checklist, and mandatory findings. The IS/MND will be based on the checklist provided in CEQA Guidelines Appendix G, unless directed otherwise by the City.

The Initial Study will analyze whether the proposed housing element update may cause significant effects on the environment that were not examined in the prior environmental documents prepared for the 2013 General Plan and 2015 Housing Element Update. Within the IS/MND, the discussion of each environmental topic will be framed by the applicable significance criteria and will include a summary of the impacts found in the previous environmental documents. The Initial Study will concisely discuss potential impacts (including cumulative impacts) of the proposed housing element update relative to that criteria's threshold, including a comparison of potential impacts to those found in the previous environmental documents. Where any new or updated information pertinent to a topic is available, it will be incorporated into the analysis and discussion. Applicable mitigation measures from the 2013 General Plan EIR, subsequent environmental documents, and applicable City Standard Conditions of Approval that reduce environmental impacts will be identified, as appropriate. If at any point during the analysis Consultant identifies findings that suggest a significant impact, it will promptly inform City staff.

The IS/MND will address all the environmental topics under CEQA, included in Appendix G of the CEQA Guidelines. The intent of addressing all topics is to fully inform the public and decision-makers of the comparative impacts and consistency with adopted General Plan policies. Overall, the IS/MND is intended to be a focused document that does not unnecessarily re-state or re-print setting information or exhibits from the previous EIRs unless it is directly relevant to changes anticipated as a result of the proposed housing element update.

With regard to Transportation, we note that the Alameda County Transportation Commission has developed a VMT Estimation Tool, a series of VMT maps and summary tables, and a VMT Reduction Calculator that can be used to analyze transportation impacts for CEQA documents. We propose to use these resources for purposes of analyzing transportation impacts, and do not propose an independent VMT analysis.

Consultant's scope includes the preparation of email correspondence for the purpose of contacting the Native American Heritage Commission (NAHC) to request a list of contacts for Native American tribes who may have an interest in the project. Under SB 18, consultation with Native American tribes is required when adoption or amendment of a general plan or specific plan is proposed; under AB 52, the City is also required to assess potential impacts to tribal cultural resources. Consultant's scope includes a provision for facilitating and assisting the City with this consultation, including the preparation and tracking of correspondence to the tribes identified by the NAHC pursuant to both SB 18 and AB 52. If a tribe requests consultation, that is considered government-to- government consultation, and our scope assumes this would be undertaken by the City.

Consultant will prepare an Administrative Draft IS/MND for review by City staff (electronic version). Following one (1) round of review and based on the level of effort established in the budget, Consultant will revise the Draft IS/MND and prepare a Draft IS/MND for public review. Consultant will also prepare the Notice of Completion (NOC). Consultant will deliver the Draft IS/MND and NOC to the State Clearinghouse. We have assumed that the City will distribute the Draft IS/MND to Responsible and Trustee Agencies and other interested parties and arrange for publication of the notice in a newspaper of general circulation. The Draft IS/MND will be circulated for public comment for 30 days, as required under CEQA. Consultant will produce electronic copies and printed copies of the final document.

Task E.2 Assumptions:

Consultant assumes that the County's VMT Evaluation information discussed above will be sufficient to analyze the Housing Element Update's transportation impacts. If the City desires a separate and project specific VMT analysis, scope can be provided for such an effort at additional cost through a transportation subconsultant to Consultant.

Task E.2 Deliverables:

- Administrative Draft IS/MND (electronic version) for City staff review.

Public Draft IS/MND (5 printed copies to the City, electronic submittal to State Clearinghouse) along with a web-ready PDF to post on the City's website.

Notice of Availability and Notice of Completion (electronic submittal to State Clearinghouse).

Task E.3: Final Initial Study/Mitigated Negative Declaration

Following the public review of the IS/MND, Consultant and City staff will coordinate to review and discuss any CEQA- related comments received and establish the appropriate approach and distribution of responsibility for preparing specific responses to comments (e.g., master responses, policy responses, etc.). If warranted, a Response to Comments memorandum may be published with a Final IS/MND in preparation for the Planning Commission and City Council hearings.

Given the uncertainty of the level of effort required for Responses to Comments, Consultant has assumed up to 24 hours for this task. If after review and discussion of all comments received, we estimate that the response effort will exceed the estimated labor cost of this task, Consultant will notify the City to determine any appropriate adjustments to the scope of work.

Consultant anticipates up to one (1) round of review prior to a Final IS/MND. Following the City's review of the Screencheck Draft Response to Comments Memorandum and Final IS/MND, Consultant will incorporate the City's revisions in redline edits (underline and strike-out) from the previous version into a Final IS/MND. Consultant will also prepare an Administrative Draft Notice of Decision (NOD) after approval of the proposed amendments.

Task E.3 Deliverables:

- Screencheck Draft Response to Comments Memorandum and Final IS/MND (electronically only, Word and PDF).
- Five (5) hardcopies of the Final IS/MND to the City along with a web-ready PDF to post on the City's website.
- Notice of Determination for use by the City (assume City will coordinate filing with County Clerk)

Task F: Public Hearings

The Consultant team will attend up to three public hearings held by the Planning Commission and City Council, to address any questions related to the Environmental Hazards and HWEJ Elements. To the extent that the Planning Commission or Council directs staff to make modifications to the documents as part of the adoption proceedings, the Consultant team will incorporate the changes into the documents and submit a final version of the adopted Elements.

Task G: Community Engagement Support

The Consultant team will provide assistance to the client team, as needed, in support of community engagement efforts to be billed on an hourly basis for a not to exceed amount of \$10,000. Efforts may include, but are not limited to, assistance with an outreach plan, preparing necessary agendas, presentation materials, surveys, or questionnaires and/or assisting with virtual public meetings. The Consultant team will work with the client team in determining the level of effort required for select tasks related to community engagement.

Cost Estimate

Following is a cost estimate for each component of the scope of work. Factors that would increase the scope of work and estimated costs outlined in this proposal include, but are not necessarily limited to, any of the following:

- Preparation and attendance at community meetings
- Analysis of additional issues above those discussed in this proposal, or a more detailed level of analysis than described in this proposal
- Changes in the project requiring re-analysis or rewriting of General Plan elements
- Collection of additional data for the General Plan updates or environmental analyses
- Identification of new areas for development that are outside of areas already designated for residential development in the City's General Plan (particularly raw land sites where significant biological resources could occur)
- Changes in the project requiring re-analysis or rewriting of Initial Study.
- Identification of a significant and unavoidable impact that could trigger a requirement for an Environmental Impact Report.
- Unforeseen controversy that could trigger a requirement for additional environmental analysis and/or a substantial increase in the level of effort to respond to comments on the Draft Initial Study.

Task	Cost
Task A: Project Kick-Off and Data Collection	\$2,500
Task B: Existing Conditions Report	
Environmental Hazards Existing Conditions	\$25,000
HWEJ Existing Conditions	\$43,000
SB 99/AB 747 Evacuation Analysis	\$25,000
Task C: Environmental Hazards Element Update	\$26,000
Task D: HWEJ Element Update	\$48,000
Task E: IS/MND	\$69,940
Task F: Public Hearings	\$3,300
Task G: Community Engagement	\$10,000
TOTAL	\$252,740

EXHIBIT B

PAYMENT

The Consultant team will charge for our service according to the following hourly rates for an amount not to exceed \$252,740:

Personnel Category Rates

Charges will be made at the Category hourly rates set forth below for time spent on project management, consultation or meetings related to the project, field work, report preparation and review, and travel time.

Labor Category	Level I	Level II	Level III
Senior Director	275	300	325
Director	225	245	260
Managing Associate	190	205	220
Senior Associate	160	170	185
Associate	115	135	145
Project Technicians	90	110	130

- (a) The range of rates shown for each staff category reflects ESA staff qualifications, expertise and experience levels. These rate ranges allow our project managers to assemble the best project teams to meet the unique project requirements and client expectations for each opportunity.
- (b) From time to time, ESA retains outside professional and technical labor on a temporary basis to meet peak workload demands. Such contract labor may be charged at regular Employee Category rates.
- (c) ESA reserves the right to revise the Personnel Category Rates annually to reflect changes in its operating costs.

ESA Expenses

A. Travel Expenses

- 1. Transportation
 - a. Company vehicle – IRS mileage reimbursement rate
 - b. Common carrier or car rental – actual multiplied by 1.15
- 2. Lodging, meals and related travel expenses – direct expenses multiplied by 1.15

B. Communications and Project Support Fee

Non-travel expenses incurred for the duration of the agreement for project support but not itemized below, including document retention, delivery and communications. Project labor charges multiplied by 3%.

C. Subcontracts

Subcontract services will be invoiced at cost multiplied by 1.15.

D. Other

The fees above do not include sales tax. Any applicable or potential sales tax will be charged when appropriate.

E. Payment Terms

Unless otherwise agreed in writing, Consultant will submit invoices on a monthly basis. Any unpaid balances shall draw interest at one and one half percent (1.5%) per month or the highest rate allowed by law, whichever is lower, commencing thirty (30) days after date of invoice. All invoices not contested in writing within fifteen (15) business days of receipt are deemed accepted by City as true and accurate and City thereafter waives any objection to City invoices, which are payable in full.

EXHIBIT C
QUALIFICATIONS

Environmental Science Associates (ESA)

ESA is a multi-disciplinary community planning and environmental consulting firm that helps public and private sector clients understand, address, and solve their important policy, planning, and environmental issues. In addition to holding a roster of highly skilled community and environmental planners, ESA has extensive experience completing all phases of general plan updates, including housing, safety, and environmental justice (EJ) elements, from community engagement and housing needs assessments to environmental review and public hearings; all specialties that, combined with our local experience, make ESA particularly well-qualified to help the City of Newark efficiently and effectively undertake this project. **Mary C. Laux** will serve as Project Manager and **Shannon Wages, AICP**, will serve as lead planner. Combined, they bring nearly 40 years of experience specializing in leading long-range planning and environmental documents. Shannon has extensive combined housing, safety and EJ experience, including assisting four jurisdictions (Indio, Highland, Lomita, and Mountain View) in updating their Housing Elements during this sixth housing element planning period. She also brings award-winning EJ experience, having recently received an Award of Excellence for Placentia's Health, Wellness and EJ Element.



STAFF REPORT

Item D. 6.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Lenka Hovorka, Assistant City Manager
SUBJECT Approval of resolutions to add class specifications for Police Support Services Manager, Aquatic Activities Specialist, and Accounting Technician I/II to the classification plan; add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Police Support Services Manager, one Aquatic Activities Specialist, and one Accounting Technician I-II, and delete one Communications Supervisor and one Accounting Technician I; approve a side letter with the Newark Police Management Association to add the classification of Police Support Services Manager and salary range to the Memorandum of Understanding, and approve a side letter with the Newark Association of Miscellaneous Employees to add the classification of Aquatic Activities Specialist and salary range to the Memorandum of Understanding.

RECOMMENDATION

Staff recommends that the City Council approve resolutions to add class specifications for Police Support Services Manager, Aquatic Activities Specialist, and Accounting Technician I/II to the classification plan; add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Police Support Services Manager, one Aquatic Activities Specialist, and one Accounting Technician I-II, and delete one Communications Supervisor and one Accounting Technician I; approve a side letter with the Newark Police Management Association to add the classification of Police Support Services Manager and salary range to the Memorandum of Understanding, and approve a side letter with the Newark Association of Miscellaneous Employees to add the classification of Aquatic Activities Specialist and salary range to the Memorandum of Understanding.

EXECUTIVE SUMMARY

To increase our competitiveness in the labor market, offer additional growth opportunities, and shift tasks to more appropriate classifications, staff proposes changes to three current positions. In the police department, staff recommends that the Communications Supervisor be replaced with a Police Support Services Manager. In the Recreation & Community Services Department, staff recommends that the Aquatics Coordinator be replaced with an Aquatic Activities Specialist. In the Finance Department, staff recommends the Accounting Technician I and Accounting Technician II classifications be merged into one classification, Accounting Technician I-II.

BACKGROUND

Police Support Services Manager

In September 2020, the Police Department's Administrative Services Division was renamed Support Services Division. In addition to a Police Sergeant assigned to Professional Standards and Training, the division includes Dispatch, Records, and Property and Evidence staff. Within Dispatch, the unit is comprised of eight Public Safety Dispatchers, two Lead Public Safety Dispatchers and one Communications Supervisor. The Lead Public Safety Dispatcher classification was established in 2019, many years after the Public Safety Dispatcher and Communications Supervisor classifications. The Records and Property and Evidence units includes three Public Safety Clerks, one Police Records Supervisor, and three part-time staff. The current Communications Supervisor position is vacant due to a recent retirement and after an unsuccessful recruitment.

Aquatic Activities Specialist

The Silliman Community Activity Center is a challenging operation with 80 plus hours per week of programming and staffing levels reaching over 125 part-time/seasonal/temporary staff during the summer months. Major programs include recreation swim, swim lessons, water aerobics, lap swim, group reservations, birthday parties, camps and special events. With over 200,000 guest visits per year, the Center is one of the largest municipally run operations in the Bay Area.

At the onset of the pandemic, a previously funded second Aquatic Coordinator position was frozen. Staffing responsibilities and assignments were adjusted, resulting in a more streamlined operation with new efficiencies established. These operational efficiencies have eliminated the need for the higher level Coordinator work to be completed by the vacant position. Therefore, an Aquatic Activities Specialist position was identified as a more appropriate classification for the level and type of work to be performed.

Accounting Technician I-II

Personnel allocations in the biennial budget have traditionally included the number of full-time equivalent positions approved for each specific job title. In the current budget, the Finance Department is allocated one Accounting Technician I and no Accounting Technician II. This allocation was approved by City Council as part of the adoption of the 2020-2022 Biennial Budget and Capital Improvement Plan.

Changes to class specifications also require City Council approval. Currently, a class specification exists for Accounting Technician I and a separate class specification exists for Accounting Technician II. In other job families within the City, the I and II levels are consolidated into one class specification, with language that allows an employee at level I to advance to level II without having to conduct a recruitment process.

DISCUSSION/ANALYSIS

Police Support Services Manager

Staff recognized an opportunity to re-evaluate the essential duties and responsibilities of the Communications Supervisor classification. Similar positions and police support services divisions in local police departments were reviewed, classification and compensation labor market surveys conducted, and internal classification and compensation relationships evaluated.

Although titled as Supervisor, the Communications Supervisor position classification is similar to management responsibilities and generally consistent with managers in other police organizations. Most cities in our labor market have manager positions that oversees not only communications, but also records and other police support services. Newark's position titled "Communications Supervisor" is responsible for duties which include review and analysis of information including police radio transmissions for potential police misconduct, infractions or complaints; administering and maintaining various automated systems including telephones, emergency 911, radio, mobile data terminals and computers; coordinating equipment requisitions; maintaining and repairing computer system and connected components; participating in hiring, selection and discipline processes; assisting in the preparation and administration of the Police Communication Center budget; and representing the City and Police Department with other agencies, communications networks and committees. After review of the job description, the organization of the Support Services Division, and staffing, it became clear that a single manager overseeing all support services, with lead and supervisory staff in place within units, was the best solution. It solves internal compensation issues, is more aligned with similar cities in our labor market, appropriately reflects the required duties, and enhances the communication lines and coordination within Support Services Division units.

An internal compensation review of the Communications Supervisor's direct subordinate shows a Lead Public Safety Dispatcher's annual salary is \$103,578 compared to the annual salary of \$106,839 for the Communications Supervisor. The Lead Dispatcher classification provides for a 5% holiday pay which is not provided for the Communications Supervisor and results in higher annual pay for the subordinate position (\$108,757). In addition, Lead Public Safety Dispatchers are paid an hourly rate and have the ability to earn overtime pay which is not the case for the Communications Supervisor classification. As a salaried employee, the Communications Supervisor routinely responds to urgent needs on weekends and after normal business hours without the ability to earn overtime pay. Lead Dispatchers also receive an additional 5% for training new dispatchers; which is a responsibility often shared by the Communications Supervisor without additional compensation.

Staff recommends the elimination of the position of Communications Supervisor and the creation of the Police Support Services Manager position. The Police Support Services Manager would report directly to the Support Services Division Captain. In addition to the responsibilities historically assigned to the Communications Supervisor, the Police Support Services Manager responsibilities will also include supervision of the Police Records and Property and Evidence units. Six cities in Newark's labor market have positions similar to Police Support Services Manager, and a total compensation survey shows the average of the positions at \$164,256 annually, which includes the

highest possible base salary and health benefit. After reviewing both internal and external classification and compensation relationships, staff recommends the Police Support Services Manager base salary be placed at Range 15, commensurate with other division managers in the City and near the average of the labor market.

Aquatic Activities Specialist

With the operational efficiencies achieved in the past two years, some of the higher level Coordinator responsibilities are no longer required to be completed by this vacant position. By underfilling the Aquatic Coordinator with an Aquatic Activities Specialist, personnel cost savings will be realized while achieving more flexibility related to operations, programming and supervision of staff. The Aquatic Activities Specialist would work a non-traditional schedule, providing much-needed weekend supervision of temporary staff and operations. In addition to serving as the Manager on Duty for weekends, this position will perform other significant responsibilities including pool maintenance, lifeguard training and certification, front desk operations and swim lesson oversight. The Specialist position also allows for a broader candidate pool with lower level skills required, while offering potential growth into a future Coordinator position.

Funding for the Aquatic Activities Specialist was included in the City Council approved American Rescue Plan Act (ARPA) funding plan. The class specification must now be approved in order to begin a recruitment.

Accounting Technician I-II

The specificity of approving the number of positions allowed for each specific job title does not allow for flexibility of advancing staff to a higher level within the same job family. For example, if an employee was hired several years ago at an Accounting Technician I level and now has the experience to perform work at an Accounting Technician II level, the City cannot simply advance the employee to the II level. Under the current process, City staff must request City Council take action to approve changing the personnel allocation in the City's budget document to delete one Accounting Assistant I and add one Accounting Assistant II. This process also requires Human Resources staff to open a recruitment and allow all City staff to apply for the promotional opportunity.

Similar to the action City Council took on December 9, 2021 for the Building Inspector I and Building Inspector II positions, staff would like the flexibility to advance Accounting Technician staff to the next level in which the class specification already exists, budget is available, and the City's operation can benefit from higher level work that the employee has demonstrated they can perform. By combining the Accounting Technician I and II class specifications into one with language allowing movement from level I to level II through an advancement process, a more tangible career ladder is created for employees and job candidates considering employment with the City. The advancement process also requires less resources from both the Finance and Human Resources Departments.

FISCAL IMPACT

Police Support Services Manager

The net increase in salary for the Police Support Services Manager compared to the Communications Supervisor is estimated at \$6,000 for the current fiscal year, and can be absorbed with personnel cost savings. Future years' net salary increases will be requested as part of the biennial budget process.

Aquatic Activities Specialist

The downgrade of Aquatics Coordinator to Aquatic Activities Specialist provides budget savings for the Recreation and Community Services Department.

Accounting Technician I-II

The Accounting Technician changes recommended only affect process and do not change the cost of an Accounting Technician I advancing or promoting to an Accounting Technician II. Should the current Accounting Technician I employee advance to the Accounting Technician II level, the fiscal impact would be absorbed by personnel cost savings in the Finance Department.

REVIEW AND APPROVAL

Prepared by – Lenka Hovorka, Assistant City Manager

Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Resolution Class Spec Change PD etc

Resolution Budget Personnel Allocation PD etc

NPMA Resolution

NPMA SL Support Services

Resolution NAME Aquatics

NAME SL Aquatics

Aquatic Activities Specialist Spec

Police Support Svcs Mgr Spec

Accounting Tech Spec

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE
CLASSIFICATION PLAN, TO ADD THE CLASS
SPECIFICATIONS OF POLICE SUPPORT SERVICES
MANAGER, AQUATIC ACTIVITIES SPECIALIST, AND
ACCOUNTING TECHNICIAN I-II

WHEREAS, the Classification Plan was adopted by the City Council via Resolution No. 2,505; and

WHEREAS, the City must, from time to time, add or otherwise adjust job classifications and/or job specifications in order to satisfy the changing needs and demands of the workforce and to more closely match the tasks which need to be perfected by employees in the City's various departments; and

WHEREAS, the City seeks to attract and retain exceptional talent to provide superior customer service to the community; and

WHEREAS, the City seeks to provide advancement opportunities to employees; and

WHEREAS, the City seeks to amend the Classification Plan to add Police Support Services Manager, Aquatic Activities Specialist, and Accounting Technician I-II class specifications.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Classification Plan adopted by Resolution 2,505, and subsequently amended, is hereby amended to add the Police Support Services Manager, Aquatic Activities Specialist, and Accounting Technician I-II class specifications attached hereto and incorporated herein by reference.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE ADDITION OF ONE FULL-TIME EQUIVALENT POSITION OF POLICE SUPPORT SERVICES MANAGER, ONE FULL-TIME EQUIVALENT POSITION OF ACCOUNTING TECHNICIAN I-II – CONFIDENTIAL, AND ONE FULL-TIME EQUIVALENT POSITION OF AQUATIC ACTIVITIES SPECIALIST AND THE DELETION OF ONE FULL-TIME EQUIVALENT POSITION OF COMMUNICATIONS SUPERVISOR, AND ONE FULL-TIME EQUIVALENT POSITION OF ACCOUNTING TECHNICIAN I - CONFIDENTIAL, TO THE 2020-2022 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2022.

WHEREAS, the 2020-2022 Biennial Budget and Capital Improvement Plan was adopted by the City Council via Resolution No. 11,098 on June 25, 2020; and

WHEREAS, the City seeks to offer advancement opportunities to employees; and

WHEREAS, the City seeks to attract and retain exceptional talent to provide superior customer service to the community;

WHEREAS, the City Council approved the use of American Rescue Plan Act (ARPA) funding to reinstate previously frozen positions, covering the cost of an Aquatic Activities Specialist; and

WHEREAS, the City seeks to amend the 2020-2022 Biennial Budget and Capital Improvement Plan to add one full-time equivalent position of Police Support Services Manager, one full-time equivalent position of Aquatic Activities Specialist, one full-time equivalent position of Accounting Technician I-II – Confidential, and to delete one full-time equivalent position of Communications Supervisor and one full-time equivalent position of Accounting Technician I - Confidential.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the certain document entitled “2020-2022 Biennial Budget and Capital Improvement Plan of the City of Newark” adopted by Resolution 11,098 on June 25, 2020, and subsequently amended by resolutions, is hereby amended to add one full-time equivalent position of Police Support Services Manager, one full-time equivalent position of Aquatic Activities Specialist, one full-time equivalent position of Accounting Technician I-II – Confidential, and to delete one full-time equivalent position of Communications Supervisor and one full-time equivalent position of Accounting Technician I - Confidential.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ADOPTING A SIDE LETTER BETWEEN THE CITY
OF NEWARK AND THE NEWARK POLICE MANAGEMENT
ASSOCIATION TO ADD ONE CLASSIFICATION, ENTITLED
POLICE SUPPORT SERVICES MANAGER; AND
APPROVING AN AMENDMENT TO THE CITY'S SALARY
SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE
OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City must, from time to time, add or otherwise adjust job classifications and/or job specifications in order to satisfy the changing needs and demands of the workforce and to more closely match the tasks which need to be performed by employees in the City's various departments; and

WHEREAS, the City, based on evaluation, has determined that the classification of Police Support Services Manager is necessary and appropriately established as a classification represented by the Newark Police Management Association ("NPMA"); and

WHEREAS, the current Memorandum of Understanding between the City and NPMA, effective July 1, 2019 through June 30, 2022, is currently in effect (the "MOU"); and

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

WHEREAS, the City Council has considered the proposed establishment of the Police Support Services Manager classification and proposed side letter and has determined that the establishment of the position and proposed side letter are proper and in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves and adopts a side letter to the MOU, attached hereto and incorporated herein by reference, effective January 28, 2022 and authorizes the City Manager to execute the side letter and to take such further actions as may be necessary to implement the side letter to the MOU including any necessary non-substantive modifications.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule, effective January 28, 2022 to reflect the position of Police Support Services Manager with a salary range of \$9,275 to \$13,453 per month.



To: Newark Police Management Association (NPMA) Executive Board

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

Date: January 28, 2022

This will serve as a side letter to the City of Newark (City) and the Newark Police Management Association (NPMA) July 1, 2019-June 30, 2022 Memorandum of Understanding (MOU). The purpose of this side letter is to add the new position of Police Support Services Manager. This side letter will become effective on January 28, 2022.

WHEREAS the City seeks to establish the new Police Support Services Manager position; and

WHEREAS, the City and NPMA desire to have NPMA serve as the sole and exclusive bargaining representative for the Police Support Services Manager position; and

WHEREAS the Parties wish to enter into a side letter clarifying and memorializing the Parties' agreement.

NOW, THEREFORE the Parties agree to amend the MOU to add the Police Support Services Manager classification to Section II. RECOGNITION and IV. COMPENSATION as follows.

Add Classification Title	Salary Range
Police Support Services Manager	15

Dated: _____

For the City of Newark:

For the Newark Police Management Association:

David J. Benoun, City Manager

Jonathan Arguello, President

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A SIDE LETTER BETWEEN THE CITY OF NEWARK AND THE NEWARK ASSOCIATION OF MISCELLANEOUS EMPLOYEES TO ADD ONE CLASSIFICATION, ENTITLED AQUATIC ACTIVITIES SPECIALIST; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City must, from time to time, add or otherwise adjust job classifications and/or job specifications in order to satisfy the changing needs and demands of the workforce and to more closely match the tasks which need to be performed by employees in the City's various departments; and

WHEREAS, the City, based on evaluation, has determined that the classification of Aquatic Activities Specialist is necessary and appropriately established as a classification represented by the Newark Association of Miscellaneous Employees ("NAME"); and

WHEREAS, the current Memorandum of Understanding between the City and NAME, effective July 1, 2019 through June 30, 2022, is currently in effect (the "MOU"); and

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

WHEREAS, the City Council has considered the proposed establishment of the Aquatic Activities Specialist classification and proposed side letter and has determined that the establishment of the position and proposed side letter are proper and in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves and adopts a side letter to the MOU, attached hereto and incorporated herein by reference, effective January 28, 2022 and authorizes the City Manager to execute the side letter and to take such further actions as may be necessary to implement the side letter to the MOU including any necessary non-substantive modifications.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule, effective January 28, 2022, to reflect the position of Aquatic Activities Specialist with salary steps of Step 1 – \$4,506.23; Step 2 – \$4,740.12; Step 3 – \$4,970.4; Step 4 – \$5,220.08; Step 5 – \$5,480.66 per month.



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

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

Date: January 28, 2022

This will serve as a side letter to the City of Newark (City) and the Newark Association of Miscellaneous Employees (NAME) July 1, 2019-June 30, 2022 Memorandum of Understanding (MOU). The purpose of this side letter is to add the new position of Aquatic Activities Specialist. This side letter will become effective on January 28, 2022.

WHEREAS the City seeks to establish the new Aquatic Activities Specialist position; and

WHEREAS, the City and NAME desire to have NAME serve as the sole and exclusive bargaining representative for the Aquatic Activities Specialist position; and

WHEREAS the Parties wish to enter into a side letter clarifying and memorializing the Parties' agreement.

NOW, THEREFORE the Parties agree to amend the MOU to add the Aquatic Activities Specialist classification to Attachment A and Attachment A.2 as follows.

Add Classification Title	Monthly Salary Steps
Aquatic Activities Specialist	Step 1 – \$4,506.23
	Step 2 – \$4,740.12
	Step 3 – \$4,970.41
	Step 4 – \$5,220.08
	Step 5 – \$5,480.66

Dated: _____

For the City of Newark:

For the Newark Association of
Miscellaneous Employees:

David J. Benoun, City Manager

Angela Montez, President



Class Code: 140
WP Code: _____
Established: 01-22
Revised: _____
EEO Code: PP

CLASS SPECIFICATION

City of Newark, California

AQUATIC ACTIVITIES SPECIALIST

NATURE OF WORK - Under general supervision, performs a variety of administrative and technical tasks related to the development and implementation of aquatic programs and activities, including train and direct the work of assigned personnel, pool and facility maintenance, response to aquatic emergencies; oversee daily aquatic operations; conduct classes and training; enforce safety procedures; maintain and issue equipment; and related work as required.

This position is required to work a varied schedule, including weekends and holidays, and may include early mornings and evenings as needed for coverage.

DISTINGUISHING CHARACTERISTICS:

This is a para-professional single classification under general supervision from the Senior Recreation Supervisor or other assigned supervisory personnel in the Recreation and Community Services Department. This class is distinguished from the Aquatics Coordinator in that the latter has overall responsibility for the planning, staffing and implementation of the aquatics program.

EXAMPLES OF ESSENTIAL DUTIES –

Duties may include, but are not limited to, the following:

Assist in providing aquatic recreation programs and services for a variety of age groups, abilities and interests. Assist with daily oversight of the aquatic facility and programs, including general customer service.

Train and lead the work of assigned part-time/seasonal/temporary (PST) personnel and volunteers; assist with staff scheduling.

Assist with establishing work assignments for assigned PST staff; participate in evaluation of assigned staff and volunteers.

Assist with evaluating aquatic operations, including but not limited to, lifeguard rotations, rule enforcement, vigilance, staff performance, signage, and hazards.

Maintain participation records, supplies, and equipment.

Assist with performing aquatic skill audits; understand legal codes and requirements related to lifeguard procedures and emergency operations.

Aquatic Activities Specialist

Enter and retrieve registration data; perform routine office work, including document and report preparation.

Help maintain discipline and observance of required safety precautions during activities; communicate policies and procedures to assigned workers and the general public; monitor activity in the aquatics center to prevent injuries, accidents, or drowning; effectively handle complaints.

Respond to aquatic emergencies; participate in, support, and/or coordinate response; rescue swimmers in distress and/or danger of drowning; administer first aid; evaluate medical, rescue, and training procedures and policies for quality assurance and safety functions.

Interact with program participants, volunteers, and other workers to stimulate interest and participation in programs; attend meetings as assigned; assist with public presentations on water safety.

Assist with the learn to swim program's daily operations; Assist in curriculum development relating to the program, adaptive aquatics, recreation swim, lap swim, water aerobics, summer camps, and staff training.

Depending on the level of certification, assist, teach, and arrange materials for lifeguard training, C.P.R. & First Aid classes; conduct class or activity instruction such as lifeguard, swim lessons and water aerobics classes when needed.

Monitor supplies of chemicals and equipment for the aquatic center; assist with pool maintenance and equipment oversight.

Assure effective use of facilities & equipment; issue and ensure the return of City equipment.

Perform pool and facility maintenance, including but not limited to, cleaning and maintenance of chlorinating units (Pulsar), vacuuming of swimming pools, cleaning of strainer and lint baskets, cleaning of pool tiles, cleaning of pool decks and water slides, cleaning of gymnasium floors, cleaning of fitness machines and general facility maintenance.

Assist with special projects and perform other duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Basic principles and methods used in planning, organizing, implementing, and evaluating a broad range of aquatic programs, services, and activities.

Basic pool health and safety requirements.

Aquatic Activities Specialist

C.P.R. and First Aid.

Safety rules and regulations and emergency action plans for recreation aquatic programs and fitness activities.

Basic business mathematics.

Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff

Principles and practices of modern office filing, methods, equipment and procedures.

General department programs and administrative procedures.

Records management systems.

English usage, including spelling, grammar and punctuation.

Ability or Skill to:

Follow oral and written directions.

Train and direct part-time employees and volunteers.

Organize and review the work of part-time employees and volunteers.

Lifeguard and teach swim lessons and other aquatic classes as needed.

Operate and maintain pools, including circulation and chlorination equipment, pumps, pool chemicals, and use of simple tools.

Use initiative and sound independent judgment within established guidelines.

Communicate clearly and effectively both orally and in writing.

Prepare and maintain a variety of documents.

Interact with the general public during day-to-day work and project a positive attitude toward serving the public including effectively handling irate visitors using appropriate language, voice control, knowledge of protocols and common sense.

Establish and maintain a positive customer service attitude and working relationship with those contacted in the course of work.

Aquatic Activities Specialist

Use appropriate office and computer equipment and applications.

Experience and Education

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience in delivering aquatics programs or a closely related field such as a Senior Lifeguard, Pool Operator, or Pool Technician.

One year of pool maintenance experience.

Education:

Equivalent to a high school diploma, G.E.D., or California High School Proficiency Examination Certification.

Completion of two years of college-level coursework is desirable.

License or Certificate

Possession of a Class C California driver license.

Possession of, and ability to maintain, certification in American Red Cross Lifeguard Training, C.P.R. for Professional Rescuer, First Aid, and Swim lesson instruction (Water Safety Instructor or equivalent).

Must be able to obtain CPO/AFO certification within one year of appointment and maintain certification throughout employment.

Must be able to obtain Lifeguard Instructor certification within one year of appointment and maintain certification throughout employment.

Water aerobic experience and/or certification is desirable.

Other requirements:

Age 18 or older.

Willingness and ability to work the hours necessary to accomplish the assigned duties including evenings, weekends, holidays, early morning and late evening hours.

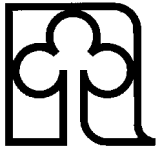
Aquatic Activities Specialist

Ability to frequently sit, stand, swim, walk; occasionally lift and/or move up to 100 pounds; occasionally run, jump, climb or balance, reach with hands and arms, use hands to handle or feel objects, tools, controls, or operate computer equipment; wear required personal protective equipment; work in wet and/or humid conditions; exert physical strength to perform rescue operations; and work with/around chemicals, electric energy, noise, blood borne pathogens and human waste.

Fluency in Spanish or American Sign Language is desirable.

Probationary Period: 6 Months

FLSA: Non-Exempt



City of Newark, California

Class Code: 314.1
WP Code: _____
Established: 01-22
Revised: _____
EEO Code: P

CLASS SPECIFICATION

POLICE SUPPORT SERVICES MANAGER

POSITION DESCRIPTION

Nature of Work: Under general direction, manages the Police Department's support services functions including records, communication, property and evidence and other areas as may be assigned; and performs related work as assigned.

Class Characteristics: This management classification provides professional and general administrative lead direction and supervision to assigned Police Department support services personnel. Receiving immediate supervision from a Police Captain or other assigned Police Department manager, incumbents are responsible for independently performing the most complex work of the Support Services Division.

Examples of Essential Duties – Duties may include, but are not limited to, the following:

Directs, reviews and evaluates the service activities of the Police Communication, Records, and Property and Evidence units; manages the department's recordkeeping system; conducts training, mentors, recommends discipline and evaluates staff assigned to the Support Services Division; collects and reviews information and data; prepares written and oral reports on activities of the division; develop and coordinate emergency plans for the public safety automated systems in the event of civil or natural disasters; respond during off-duty hours to emergency situations which may arise in the Communications Center or automated systems; review and analyze information including police radio transmissions for potential police misconduct, infractions, or complaints of departmental personnel; analyzes supervisory problems and formulates and implements solutions; acts as liaison with various City departments on personnel, information systems and administrative matters; represents department with telecommunication user groups; may represent Police Department at administrative and legal proceedings; plans department's future needs in data processing, computer needs, and telecommunications; prepares and manages the division budget and resource allocations; ensures the enforcement of laws, rules and regulations pertaining to the department and implements divisional programs, policies and procedures; exercises sound judgment, tact and resourcefulness in dealing with the public and in unusual and emergency situations; ensures compliance with safety regulations; and performs other related duties as assigned.

POLICE SUPPORT SERVICES MANAGER

MINIMUM QUALIFICATIONS

Knowledge of:

Modern principles, practices and techniques of local government and police administration, organization and operations.
Operation and management of police support functions, including dispatching, communications, records, property and evidence.
Communications equipment including radio console, computer terminals, emergency systems and other peripheral equipment related to police dispatching.
Principles and practices of supervision, training, and performance evaluation.
Principles and practices of budgeting, research, and report writing.
Principles and practices of presentations and public speaking.
Basic principles and methods of police computerized record keeping and emergency dispatch systems.
Criminal justice system and applicable Federal, State, and local laws, rules, and regulations pertaining to division operations.
Modern automated records management techniques.
Operation of a variety of word processing, spreadsheet, database, and publishing software applications.

Ability or Skill to:

Plan, direct and coordinate the work of a diverse and complex operation.
Manage a modern police records and communications operations.
Manage the property and evidence unit in compliance with applicable regulations.
Present, prepare, and manage a division budget and properly allocate resources.
Make oral presentations.
Establish and maintain effective working relationships with employees, city officials, contractors and the general public.
Communicate effectively both orally and in writing in order to present technical and non-technical written and oral reports.
Use tact, initiative and sound independent judgment with those contacted in the course of work.
Represent the City effectively in meetings.
Use computer technology to assure effective and efficient operation.
Use and maintain efficient and effective automated records systems.
Supervise, train, and evaluate assigned personnel.
Assign, plan, supervise and review the work of assigned personnel.

CRIME ANALYST

EXPERIENCE AND TRAINING

Any combination of education, experience and training that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required knowledge, skills and abilities would be:

Education: Associate's degree from an accredited college or university. A Bachelor's degree is highly desirable.

Experience: Five years of progressively responsible civilian or military experience in a law enforcement agency; two years of supervisory or lead worker experience is desirable.

License/Certificate: Possession of a valid California Class C California Driver License and a satisfactory driving record. Completion of the Department of Justice (DOJ) course, "Telecommunications Training for Trainers" or equivalent, within one year of employment, as required by the California Law Enforcement Telecommunications System (CLETS).

Other Requirements: Willingness and ability to work any shift 7 days a week/24 hours a day (weekends and holidays included); wear uniform or professional business attire required; comply with departmental grooming standards; attend meetings, seminars, conferences and training classes; travel locally and out of town as needed.

Ability to sit for prolonged periods of time; bend, stoop, speak and hear. This class requires the use of hands and arms to operate a computer keyboard, grasp objects, and to reach. Incumbents must occasionally lift and/or move up to 25 pounds.

Probationary Period: 12 Months

FLSA: Exempt



Class Code: 037.3
WP Code: AcctgTech Conf I/II
Established: 01-22
Revised: _____
EEO Code: Technical

CLASS SPECIFICATION

City of Newark, California

ACCOUNTING TECHNICIAN I/II – CONFIDENTIAL

NATURE OF WORK: Under general supervision, provides a variety of routine to difficult financial, treasury and accounting work; may perform general office support duties; prepares reports related to budget, payroll, and staffing costs; and performs related work as assigned.

CLASS CHARACTERISTICS - This journey level specialist class performs complex or difficult accounting support or payroll work requiring independent judgment or the application of technical skills. This class is comparable to the generic classification of Accounting Technician except that this class performs work involving confidential information relating to payroll and labor relations data.

The Accounting Technician I - Confidential is the entry level class of this accounting support series. Initially under close supervision, incumbents learn City and municipal accounting support procedures. As experience is gained, there is greater independence of action within established guidelines. This class is alternately staffed with Accounting Technician II - Confidential and incumbents may advance to the higher level after gaining experience and demonstrating proficiency which meet the qualifications of the higher level class.

The Accounting Technician II – Confidential is the journey level class of this series, fully competent to independently perform a variety of technical support duties related to accounting, budget, and payroll. This class performs assignments requiring independent judgment and the application of technical and sub-professional accounting skills. This class differs from Accounting Technician I – Confidential in that it performs assignments requiring a higher level of accounting knowledge and involving work on special projects related to the budget and reporting.

EXAMPLES OF ESSENTIAL DUTIES - Duties may include, but are not limited to, the following:

Perform responsible accounting, treasury or financial technical support work in such areas as general ledger, payroll, investments, cash management, and bond maintenance;

Establish, maintain and update information and data in manual and computerized employee record files;

Review, proof, verify and balance confidential payroll data submitted by departments, ensuring compliance with policies and laws;

Reconcile all payroll deductions and submit for payment;

Generate various computer records, reconcile with corresponding reports, prepare required accompanying documentation and submit to the appropriate agency;

Accounting Technician I/II – Confidential

Assist with cost analysis of negotiation proposals, personnel programs, and employee benefit packages;

Prepare, verify and distribute various periodic reports;

Review and analyze the general ledger, resolving any discrepancies;

Update and reconcile various worksheets and prepare year-end journal entries;

Prepare and review drafts of audits and assist auditors by preparing and providing required materials and information and explaining City policies and procedures;

Monitor special assessments by examining and balancing monthly statements, calculating the distribution of interest income, reviewing billings and calculating remittances, and updating computer programs to reflect tax rolls;

Compare actual expenditures with appropriations and research and resolve any problems or issues;

Edit budget narrative and figures;

Review and input current, amended and new budget and revenue figures for inclusion in the annual budget;

Prepare various graphics and file in the budget preparation process;

Research and assemble information from a variety of sources for the completion of forms or the preparation of reports;

Make complex arithmetic, financial or statistical calculations; provide information to representatives of financial institutions, the public or the City staff that requires the use of judgment and the interpretation of policies, rules or procedures;

Use a computer system to enter data and generate reports and operate standard office equipment;

Perform a variety of administrative support work such as organizing and maintaining various files, typing correspondence, reports, forms, and specialized documents, and proofreading and checking materials for accuracy, completeness and compliance with City policies and regulations;

Organize work, set priorities and follow-up to ensure coordination and completion of assigned work.

Prepare journal entries and maintain the general ledger and subsidiary ledgers;

Assist in the performance of the year-end review of accounts:

Review drafts of audit reports;

Accounting Technician I/II – Confidential

Assist with development of the City's five year forecast and annual budget;

Maintain spreadsheets on City projects and ensure compliance with grants and other legal requirements as related to staff costs.

MINIMUM QUALIFICATIONS

Knowledge of:

Financial recordkeeping, bookkeeping and basic governmental accounting principles and practices.

Basic auditing principles and practices.

Office management practices and procedures, including filing and the operation of standard office equipment.

Business arithmetic, including percentages and decimals.

Correct business English usage and the standard format for typed materials.

Business data processing principles and the use of word processing equipment.

Fair Labor Standards Act and other relevant laws, rules and regulations.

Ability to:

Organize, prioritize and coordinate work activities.

Prepare, maintain and reconcile various complex financial, accounting, payroll, statistical, auditing and numerical records.

Read, interpret and apply rules, policies and procedures.

Review and interpret financial reports.

Organize, research, and maintain office files.

Make arithmetic calculations with speed and accuracy.

Use initiative and sound independent judgment within established guidelines.

Operate standard office equipment, including a personal computer.

Establish and maintain effective working relationships with those contacted in the course of the work.

Accounting Technician I/II – Confidential

Experience and Training

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Four years of bookkeeping, payroll, accounting, treasury or financial support experience at a level equivalent to Accounting Assistant I/II or two years of similar experience at a level equivalent to Senior Accounting Assistant.

Education:

Graduation from high school or equivalent.

Specialized business or college level coursework in accounting or bookkeeping and experience in a governmental or municipal setting are desirable.

License or Certificate

Possession of, or ability to obtain, a valid California driver license and a satisfactory driving record.

In addition to the minimum qualification for Accounting Technician I – Confidential:

Experience:

One additional year of bookkeeping, payroll, accounting, treasury, or financial support experience at a level equivalent to Accounting Assistant I/II or three years of similar experience at a level equivalent to Accounting Technician – Confidential I.

Training:

A college degree in business or accounting is desirable.

Probationary Period: 6 Months

FLSA: Nonexempt



STAFF REPORT

Item D. 7.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Lenka Hovorka, Assistant City Manager
SUBJECT Approval of resolutions to add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Crime Analyst, one additional Information Systems Technician, and one additional General Laborer; add a class specification to the Classification Plan for Crime Analyst; and approve a side letter with the Newark Police Management Association to add the classification of Crime Analyst and assigned salary range to the Memorandum of Understanding.

RECOMMENDATION

Staff recommends that the City Council approve resolutions to add full-time personnel allocations to the 2020-2022 Biennial Budget and Capital Improvement Plan for one Crime Analyst, one additional Information Systems Technician, and one additional General Laborer; add a class specification to the Classification Plan for Crime Analyst; and approve a side letter with the Newark Police Management Association to add the classification of Crime Analyst and assigned salary range to the Memorandum of Understanding.

EXECUTIVE SUMMARY

In early 2020, staff were preparing to request the addition of three full-time equivalent positions - Crime Analyst, General Laborer, and Information Systems Technician. Preparations were put on hold due to the COVID-19 pandemic and were recently restarted due to available funding. To reduce the workload on existing staff and increase public safety and services to the community, staff now recommends the addition of these three full-time positions.

BACKGROUND

Crime Analyst

Prior to the COVID-19 pandemic, the Newark Police Department was seeking approval to hire a Crime Analyst to contribute to the City's public safety mission. A Crime Analyst can integrate crime analysis to increase the effectiveness of the Police Department's crime reduction strategies and direct limited resources in controlling, reducing, disrupting, and preventing crimes. In general, a crime analyst can organize the deluge of data collected from multiple sources and package the data in a concise and easy to understand formats, so officers can respond more swiftly and appropriately to emergent public safety issues. With the assistance of a Crime Analyst, field supervisors can deploy officers each day, with the specific intent to focus their attention on the prominent community problems.

The Police Executive Research Forum is a police research and policy organization that provides executive level education and support to law enforcement agencies nationwide. According to a 2008 Police Executive Research Forum (PERF) survey, 89 percent of responding agencies reported employing some type of crime analysis position. This number has likely increased since that time. Locally, many Bay Area law enforcement agencies, including several near Newark (Berkeley, Fremont, Hayward, Livermore, Milpitas, Oakland, San Leandro and Union City Police Departments) have one or more dedicated Crime Analysts.

General Laborer

In response to the need for significant cost-saving measures due to the COVID-19 pandemic, staff recommended, and the City Council ultimately approved, elimination of several permanent full-time positions in the 2020-2022 Biennial Budget and Capital Improvement Plan. Among these positions in the Maintenance Division of the Public Works Department were three General Laborer positions. At the time, two vacant positions were immediately eliminated with City Council's adoption of the budget document. A third General Labor position was occupied at the time pending an internal promotion. While it was understood that the third General Laborer position would not be re-filled following that promotion as a cost-saving measure, the position control portion of the budget document did include that position. As a result, the City was only able to identify two of the three General Laborer positions as directly eligible for reinstatement through the American Rescue Plan Act (ARPA) in actions recently take by the City Council.

Information Systems Technician

Over the years, the City has begun to rely more heavily on technology to accomplish day-to-day tasks and reduce paper waste. Technology infrastructure has increased both in capacity and complexity. Employees and the public who are users of the City's technology expect equipment and service that support a user-friendly experience. The number of software services have increased to enhance customer experiences, while the City has also strengthened its security posture and asset management. Some improvements are mandated by regulations or insurance requirements, while others improve the efficiency of internal operations and conducting daily business with the public. All of these improvements have increased the workload of Information Systems Division staff. The Division currently has 2.75 full-time equivalent (FTE) positions - an Information Systems Manager (1.0 FTE), Information Systems Specialist (1.0 FTE) and Information Systems Technician (0.75 FTE).

DISCUSSION/ANALYSIS

Crime Analyst

Law enforcement agencies are tasked with the immense duty of keeping our communities safe. As the type of threats our communities face become more complex, public safety personnel need solutions that enable us to keep on top of safety threats and investigations.

A Crime Analyst can also play a strategic role, providing analysis geared toward

long-term planning and problem solving. Strategic analysis will inform command staff decisions that require more-advanced analytical skills and tools. This position will support the entire Newark community by playing a vital role in our crime prevention efforts. This is particularly important due to the Crime Analyst's ability to provide officers with timely ongoing intelligence regarding crime trends, patterns, and series across divisions and even jurisdictional boundaries.

In addition, a Crime Analyst can assist greatly in our community engagement efforts. This position is expected to have the flexibility to work with a cross-section of the Department. At any given time, the Crime Analyst can actively assist officers investigating ongoing cases, provide field supervisors with information on where to strategically assign preventative patrol efforts, and assist community members, homeowner associations, and neighborhood/business watch groups by publishing beneficial information regarding crime trends.

Essentially, a deeper analysis and understanding of past crimes, methods, victim, and suspect demographics can be used to solve crimes and prevent future occurrences. Ideally, more specific and directed enforcement in combination with enhanced community engagement and crime prevention efforts will result in reduced crime and improved quality of life for the Newark community.

General Laborer

The City relies on General Laborers for a variety of needs in maintaining City streets, parks and other public spaces. This includes trash removals, illegal dumping clean-ups, landscape-parks maintenance, and other associated activities to assist higher level workers. The elimination of the three General Laborer positions significantly impacted the Maintenance Division's ability to maintain all streets and parks to desired service levels. Two of the three eliminated General Laborer positions have been reinstated through ARPA. Staff recommends that the 2020-2022 Biennial Budget and Capital Improvement Plan be modified to reinstate the remaining one full-time General Laborer position.

Information Systems Technician

The current staffing model provides little duplication of basic desktop support to users, with only one 30-35 hours per week Information Systems Technician. The other two full-time staff should be dedicated to maintaining our network, improving security, administrative tasks, supervision, supporting 24/7 police services, and division planning. Currently, the Information Systems Specialist must dedicate approximately half of his time to desktop support in order to keep up with help desk tickets. While trying to address each ticket thoughtfully and thoroughly, the team is having to set aside other tasks due to the hundreds of users and equipment they are required to support. The team has often had to work overtime and been unable to adjust their schedules to support after hours meetings such as City Council and Planning Commission meetings. The higher level tasks can be achieved with the current Manager and Specialist classifications if more capacity is created to address the lower level work, typically assigned to technicians. The addition of one full-time technician will provide users with greater response times when technical assistance is needed, better coverage for the other technician's absence, and increased capacity of staff with higher

skill levels and projects that have been delayed.

FISCAL IMPACT

Crime Analyst

Staff surveyed the City's labor market to collect total compensation data for Crime Analyst positions, including salary, health benefits and other City paid benefits. Staff then reviewed existing City classifications that have a potential compensation relationship to a Crime Analyst. After analyzing the data, staff recommends that the salary for Crime Analyst be set at Range 9 (\$6,291 to \$10,033/monthly or \$39.92 to \$57.88/hour). The initial base salary cost to the City was estimated at midrange, with the total annual salary and benefits cost calculated at \$170,300. In order to support funding for the Admin. Analyst - Crime Analyst position, Department staff proposes using a portion of the remaining Budget Act of 2019 funds received from State of California (\$50,000 annually for the first four years), in conjunction with salary savings realized by downgrading a currently budgeted Senior Administrative Analyst position (\$52,500 annually) and using general fund money for the balance (\$67,800 annually). For the current fiscal year, it is estimated two months of salary (\$28,400) will be needed based on recruitment timelines. This amount will be funded with salary savings, therefore no budget amendment is required.

General Laborer

The Public Works Department has experienced a number of vacancies this year that have provided salary savings. The General Laborer position will be funded with salary savings for the remainder of this fiscal year (estimated four months). Future years will require additional funding, which will be requested during the budget process.

Information Systems Technician

The Information Systems Division currently has salary savings from a vacant manager position. This savings will be used to fund the estimated three months of salary for the technician position in the current fiscal year. Future years will require additional funding, which will be requested during the budget process, as staff expect to fill the manager position in the coming months.

REVIEW AND APPROVAL

Prepared by – Lenka Hovorka, Assistant City Manager

Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Resolution Budget Personnel Allocation PD etc

Resolution Crime Analyst

SL Crime Analyst

Crime Analyst Job Specification

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE ADDITION OF ONE FULL-TIME EQUIVALENT POSITION OF CRIME ANALYST, ONE FULL-TIME EQUIVALENT POSITION OF GENERAL LABORER, AND ONE FULL-TIME EQUIVALENT POSITION OF INFORMATION SYSTEMS TECHNICIAN, TO THE 2020-2022 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2022.

WHEREAS, the 2020-2022 Biennial Budget and Capital Improvement Plan was adopted by the City Council via Resolution No. 11,098 on June 25, 2020; and

WHEREAS, the City, based on evaluation, identified the need for a Crime Analyst, General Laborer, and Information Systems Technician; and

WHEREAS, the City seeks to attract and retain exceptional talent to provide superior customer service to the community; and

WHEREAS, the City seeks to amend the 2020-2022 Biennial Budget and Capital Improvement Plan to add one full-time equivalent position of Crime Analyst, one full-time equivalent position of General Laborer, and one full-time equivalent position of Information Systems Technician.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the certain document entitled “2020-2022 Biennial Budget and Capital Improvement Plan of the City of Newark” adopted by Resolution 11,098 on June 25, 2020, and subsequently amended by resolutions, is hereby amended to add one full-time equivalent position of Crime Analyst, one full-time equivalent position of General Laborer, and one full-time equivalent position of Information Systems Technician.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE CLASSIFICATION PLAN, TO ADD THE CLASS SPECIFICATION OF CRIME ANALYST AND ADOPTING A SIDE LETTER BETWEEN THE CITY OF NEWARK AND THE NEWARK POLICE MANAGEMENT ASSOCIATION TO ADD ONE CLASSIFICATION, ENTITLED CRIME ANALYST; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the Classification Plan was adopted by the City Council via Resolution No. 2,505; and

WHEREAS, the City must, from time to time, add or otherwise adjust job classifications and/or job specifications in order to satisfy the changing needs and demands of the workforce and to more closely match the tasks which need to be perfected by employees in the City's various departments; and

WHEREAS, the City seeks to attract and retain exceptional talent to provide superior customer service to the community; and

WHEREAS, the City, based on evaluation, has determined that the classification of Crime Analyst is necessary and appropriately established as a classification represented by the Newark Police Management Association ("NPMA"); and

WHEREAS, the City seeks to amend the Classification Plan to add a Crime Analyst class specification; and

WHEREAS, the current Memorandum of Understanding between the City and NPMA, effective July 1, 2019 through June 30, 2022, is currently in effect (the "MOU"); and

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

WHEREAS, the City Council has considered the proposed establishment of the Crime Analyst classification and proposed side letter and has determined that the establishment of the position and proposed side letter are proper and in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Classification Plan adopted by Resolution 2,505, and subsequently amended, is hereby amended to add a Crime Analyst class specification attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council hereby approves and adopts a side letter to the MOU, attached hereto and incorporated herein by reference, effective January 28, 2022 and authorizes the City Manager to execute the side letter and to take such further actions as may be necessary to implement the side letter to the MOU including any necessary non-substantive modifications.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule to reflect the position of Crime Analyst with a salary range of \$6,921 to \$10,033 per month.



To: Newark Police Management Association (NPMA) Executive Board

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

Date: January 28, 2022

This will serve as a side letter to the City of Newark (City) and the Newark Police Management Association (NPMA) July 1, 2019-June 30, 2022 Memorandum of Understanding (MOU). The purpose of this side letter is to add the new position of Crime Analyst. This side letter will become effective on January 28, 2022.

WHEREAS the City seeks to establish the new Crime Analyst position; and

WHEREAS, the City and NPMA desire to have NPMA serve as the sole and exclusive bargaining representative for the Crime Analyst position; and

WHEREAS the Parties wish to enter into a side letter clarifying and memorializing the Parties' agreement.

NOW, THEREFORE the Parties agree to amend the MOU to add the Crime Analyst classification to Section II. RECOGNITION and IV. COMPENSATION as follows.

Add Classification Title	Salary Range
Crime Analyst	9

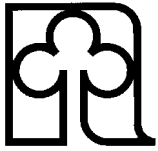
Dated: _____

For the City of Newark:

For the Newark Police Management
Association:

David J. Benoun, City Manager

Jonathan Arguello, President



City of Newark, California

Class Code: 342
WP Code: _____
Established: 01-22
Revised: _____
EEO Code: P

CLASS SPECIFICATION

CRIME ANALYST

POSITION DESCRIPTION

Nature of Work: Under direction, this position performs a variety of highly specialized technical assignments in support of the City's law enforcement activities; provides crime and criminal intelligence research and analysis in order to project crime trends, linkages, and recommends deployment strategies; assists in the coordination and utilization of police automated systems; conducts studies and prepares technical reports; disseminates criminal intelligence information; makes presentations; plans and evaluates departmental programs; and performs related work as assigned.

Class Characteristics: This is a journey level professional classification, reporting to the Police Support Services Manager or other assigned Police Department management or supervisory staff. Incumbents are responsible to independently perform work in a variety of assignments. Assignments and objectives are established but work methods and resources are left to the incumbents' discretion. Performance is reviewed on the basis of general results obtained. Provides technical support to staff. May exercise supervision of administrative staff.

Examples of Essential Duties – Duties may include, but are not limited to, the following:
Conducts research and analysis of criminal justice information, including criminal patterns and trends; Performs statistical and analytical research of crime and intelligence data and provides recommendations to department personnel; learns and operates general and specialized computer applications in order to gather and analyze crime and intelligence data for crime pattern detection, suspect-crime correlations, target-suspect profiles, and crime forecasting; reviews, interprets, categorizes, and enters information in databases, creates reports, charts, graphs and other means of conveying relevant and detailed information clearly and accurately; extracts data and develops a variety of standard and customized reports, charts, graphs and maps; conducts resource allocation studies for the purposes of deployment and scheduling; participates in crime research and analysis activities with other local, state and federal agencies and disseminates findings to departmental personnel; provides technical support to Support Services Division; maintains security, integrity and accuracy of police records; makes public presentations to the City Council, advisory commissions or committees, outside governmental agencies and community groups; may plan and organize assigned staff workload and assignments; may lead the work of other professionals and may supervise assigned staff.

CRIME ANALYST

MINIMUM QUALIFICATIONS

Knowledge of:

- Principles of and developments in crime analysis methods, techniques, and data sources.
- Principles of law enforcement administration and crime prevention.
- Research methodology, statistical interpretation and methods of report presentation.
- Criminological theory and practices.
- Uniformed crime reporting system.
- Technical and analytical report writing.
- Principles and practices of supervision.
- Applicable Federal, State, and local laws, rules, and regulations pertaining to local government operations.
- Modern automated records management techniques.
- Operation of a variety of word processing, spreadsheet, database, and publishing software applications.

Ability or Skill to:

- Evaluate problems and exercise sound judgment in making decisions in accordance with established regulations and procedures.
- Perform deductive and inductive reasoning, think clearly, act quickly and apply logical and common sense to problem solving.
- Perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines.
- Use logical and creative thorough processes to develop solutions according to written specifications and/or oral instructions.
- Maintain the confidentiality of information.
- Establish and maintain effective working relationships with employees, city officials, contractors and the general public.
- Communicate effectively both orally and in writing in order to present written and oral reports.
- Use initiative and sound independent judgment within established guidelines.
- Operate personal computer applications relevant to assigned work.
- Maintain efficient and effective automated records systems.
- Supervise, train, and evaluate assigned personnel.
- Organize and present in written or oral form, statistical information derived from a variety of sources.
- Represent the City effectively in meetings.
- Plan, supervise, and review the work of assigned personnel.
- Make accurate arithmetic calculations and perform complex computations.

CRIME ANALYST

EXPERIENCE AND TRAINING

Any combination of education, experience and training that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required knowledge, skills and abilities would be:

Education: Bachelor's degree from an accredited four-year college or university with major course work in criminal justice, criminology, social science, public administration, statistical analysis, or a related field

Experience: Two years of experience involving data analysis and interpretation for the implementation of public safety or similar programs

License/Certificate: Possession of a valid California Class C California Driver License and a satisfactory driving record. Possession of a Department of Justice Crime and Intelligence Analysis Certificate or completion of California POST-certified coursework in crime analysis is highly desirable.

Other Requirements: Willingness and ability to work the hours necessary to accomplish the assigned duties including shifts and holidays; attend meetings, seminars, conferences and training classes; travel locally and out of town as needed.

Ability to sit for prolonged periods of time, bend, stoop, speak and hear. This class requires the use of hands and arms to operate a computer keyboard, grasp objects, and to reach. Incumbents must occasionally lift and/or move up to 25 pounds and may be required to stand outdoors for prolonged periods of time in a variety of weather conditions.

Probationary Period: 12 Months

FLSA: Exempt



STAFF REPORT

Item E. 1.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Diana Cangco, Senior Civil Engineer
SUBJECT Public Hearing and tabulation of ballots for annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 and, if no majority protest exists, adopt a resolution approving the final Engineer's Report and approving the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19

RECOMMENDATION

Staff recommends that the City Council, (1) hold a Public Hearing for the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19, (2) after conclusion of the public hearing, close the balloting period and direct the City Clerk to tabulate all ballots received, (3) hear and accept the tabulation results from the City Clerk for the proposed assessment of Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19, and (4) if a majority protest does not exist, by resolution, approve the final Engineer's Report and approve the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19.

EXECUTIVE SUMMARY

A Public Hearing is scheduled for the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19. If, after the Public Hearing, a majority protest does not exist, the City Council may consider adopting a resolution approving the annexation. The maximum assessment for Fiscal Year 2022-23 for Zone 7 Harbor Pointe would be \$132.70 for each single-family unit within Tract 8453, for a total district assessment of \$25,478.40.

BACKGROUND

The Landscaping and Lighting Act of 1972 instituted procedures for the annexation to established maintenance districts for the purpose of financing the costs and expenses of landscaping and lighting of public areas. In 1996, California voters approved Proposition 218 which, in part, established procedural requirements related to the annexation to Landscaping and Lighting Maintenance Districts. These procedural requirements include holding a public hearing, mailing of notices to all affected property owners in advance of the public hearing, the balloting process, and the tabulation of ballots.

Lennar Homes of California, Inc., developer and current property owner of all parcels of Tract 8453 – Harbor Pointe, located on Enterprise Drive west of Hickory Street,

submitted a petition requesting annexation to Landscaping and Lighting District No. 19, which in general, encompasses the area commonly known as Bayside Newark located along Willow Street south of Thornton Avenue. On December 9, 2021, the City Council adopted Resolution No. 11,292 initiating proceedings for the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting (L&L) District No. 19, approving the preliminary Engineer's Report, and declaring its intention to order annexation of Tract 8453 to the assessment district and to levy and collect assessments. The Public Hearing was set for January 27, 2022, and a ballot was mailed to the affected property owner. In accordance with the procedural requirements of Proposition 218, notice of the Public Hearing and a ballot were sent to the affected property owner subject to the proposed assessment at least 45 days prior to the date of the Public Hearing for the annexation of Tract 8453 to Zone 7 – Harbor Pointe of L&L District No. 19.

DISCUSSION/ANALYSIS

During the Public Hearing, all interested parties will have the opportunity to hear and have heard all comments regarding the proposed assessment and ballot proceedings. The property owner will have until the close of the Public Hearing to submit a completed ballot. At the conclusion of the Public Hearing, any and all ballots will be opened, tabulated and weighted by the proposed assessment amount on each affected property and the results will be announced.

A majority protest exists if the weighted number of ballots received in opposition to the proposed assessment exceed the weighted number of ballots in favor of the assessment. If a majority protest does not exist, the City Council may consider adopting a resolution approving the annexation of Tract 8453 to Zone 7 – Harbor Pointe of L&L District No. 19.

If approved, the maximum annual assessment for Zone 7 – Harbor Pointe of L&L District No. 19 would be \$25,478.40, which equates to a maximum assessment of \$132.70 per year per single-family unit within Zone 7 – Harbor Pointe. In all future years, the rate of assessment for improvements associated with Zone 7 – Harbor Pointe may be increased annually based on the Consumer Price Index or three percent (3%), whichever is greater.

FISCAL IMPACT

The total City contribution towards maintenance of Zone 7 - Harbor Pointe improvements is \$3,002.34 per year as a result of the shared special benefit and general benefit associated with the landscaping and lighting improvements along Hickory Street and Enterprise Drive and trash capture devices associated with Tract 8453 Harbor Pointe.

REVIEW AND APPROVAL

Prepared by – Diana Cangco, Senior Civil Engineer
Reviewed by – Soren Fajeau, Public Works Director
Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

Attachments

Engineer's Report
Resolution



ENGINEER'S REPORT

Landscape and Lighting District No. 19 Annexation No. 6 – Zone 7 Harbor Pointe, Tract 8453

Fiscal Year 2022-2023

For the

CITY OF NEWARK

Alameda County, California

January 2022



TABLE OF CONTENTS

Certifications.....	1
Engineer’s Report	2
Part A – Plans and Specifications	4
Part B – Estimate of Cost	6
Part C – Method of Apportionment of Assessment.....	10
Part D – Assessment Diagram.....	20
Part E – Assessment Roll.....	21

Appendices

- A Assessment Diagram
- B Maintenance Exhibit
- C Park Benefit Area Analysis
- D Assessment Roll

CERTIFICATIONS

**ANNEXATION INTO THE CITY OF NEWARK
LANDSCAPE AND LIGHTING DISTRICT NO. 19
Annexation No. 6 – Zone 7
(Tract 8453– Harbor Pointe)**

The undersigned acting on behalf of Harris & Associates, respectfully submits the enclosed Engineer's Report as directed by City Council pursuant to the provisions of Section 4 of Article XIID of the California Constitution, and provisions of the Landscaping and Lighting Act of 1972, Section 22500 et seq. of the California Streets and Highways Code. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

DATED: 1/12/2022

By: 
Alison Bouley, P.E. Assessment Engineer
R.C.E. No. C61383



I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2022.

_____, City Clerk,
City of Newark
Alameda County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Newark, California, on the ____ day of _____, 2022.

_____, City Clerk,
City of Newark
Alameda County, California

By _____

CITY OF NEWARK

FISCAL YEAR 2022-2023

ENGINEER'S REPORT

**PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972
SECTION 22500 THROUGH 22679
OF THE CALIFORNIA STREETS AND HIGHWAYS CODE,
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND
THE PROPOSITION 218 OMNIBUS IMPLEMENTATION ACT
(GOVERNMENT CODE SECTION 53750 ET SEQ.)**

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, Article XIID of the California Constitution (Proposition 218), and the Proposition 218 Omnibus Implementation Act and in accordance with the Resolution of Initiation, adopted by the City Council of the City of Newark, State of California, in connection with the proceedings for:

**ANNEXATION FOR THE CITY OF NEWARK
LANDSCAPE AND LIGHTING DISTRICT NO. 19
ANNEXATION NO. 6 – ZONE 7 (TRACT 8453 – HARBOR POINTE)**

Hereinafter referred to as the "District", I, Alison Bouley, P.E., the authorized representative of Harris & Associates, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

**PART A
PLANS AND SPECIFICATIONS**

Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Engineer and are incorporated herein by reference.

**PART B
ESTIMATE OF COST**

An estimate of the costs of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and incorporated herein by reference.

PART C
METHOD OF APPORTIONMENT

The method of apportionment of assessments, indicating the proposed assessment of the net amount of the costs and expenses of the improvements to be assessed upon the several lots and parcels of land within the area to be annexed (the “Annexation”), in proportion to the estimated benefits to be received by such lots and parcels, and the proportion of those costs that must be borne by the City of Newark’s General Fund.

PART D
ASSESSMENT DIAGRAM

The Diagram of the Annexation boundaries showing the exterior boundaries of the Annexation and the lines and dimensions of each lot or parcel of land within the Annexation. The lines and dimensions of each lot or parcel within the Annexation are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

PART E
ASSESSMENT ROLL

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Annexation.

PART A

Plans and Specifications

The proposed improvements for the Annexation include landscape improvements, (the "Landscape Improvements"), park improvements ("Park Improvements") and street lighting improvements (the "Street Lighting Improvements"), collectively (the "Improvements").

The plans and specifications for the Improvements, showing the general nature, location and the extent of the Improvements, are on file with the City and are by reference herein made a part of this report.

The Improvements are generally described as follows:

DESCRIPTION OF IMPROVEMENTS TO BE MAINTAINED AND SERVICED

Landscape Improvements

The Landscape Improvements include, but are not limited to: landscaping, planting, turf, trees, irrigation systems and decorative landscape lighting fixtures in public easements and sidewalk rights-of-way, including medians, traffic circles, parkways and other easements dedicated to the City of Newark within, and adjacent to, the District.

The Landscape Improvements includes streetscapes, medians and traffic circles, specifically:

- Traffic circle located at Enterprise Drive and Seawind Way
- Median islands located along Enterprise Drive
- Traffic circle located at Enterprise Drive and Hickory Street
- Twelve (12) Trash Capture Devices ("TCD") along Enterprise Drive and the Enterprise Drive and Seawind Way traffic circle
- The Bay Trail located along the exterior of the development

Park Improvements

Park Improvements include, but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, and open space areas within a planned 5.05 acre park that is proposed for the FMC Willow development to be located east of the Harbor Pointe development near the intersection of Hickory Street and Enterprise Drive.

Street Lighting Improvements

Street Lighting Improvements include, but are not limited to: poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public street and sidewalk rights-of-way and other easements dedicated to the City of Newark within, and adjacent to, the Annexation.

The Street Lighting Improvements include street lamps with 3000K LED luminaire with Type II medium beam distribution and micro-lens.

The poles are manufactured by Hapco and the lamps are GCJ1, Green Cobra street lights, manufactured by LeoTek. The Street Lighting Improvements will be located along streets within the Annexation as shown below:

- Eleven (11) street lights located along Enterprise Drive and the Enterprise Drive and Seawind Way traffic circle
- Two (2) street lights located at the traffic circle at Enterprise Drive and Hickory Street

Appendix B of this report provides an Assessment Improvement Exhibit showing the location of the Improvements.

DESCRIPTION OF MAINTENANCE AND SERVICES

The proposed maintenance and services for the District (collectively, the "Maintenance") include landscaping maintenance and services, (collectively, the "Landscape Maintenance"), park maintenance and services, (collectively, the "Park Maintenance"), and street lighting maintenance and services (collectively, the "Street Lighting Maintenance"). The proposed maintenance and services are generally described as follows:

Landscape Maintenance

Landscape Maintenance may include, but is not limited to, the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Landscape Improvements and appurtenant facilities, including repair, refurbishment, removal or replacement of all or part of any of the Landscape Improvements and appurtenant facilities; providing for the life, growth, health and beauty of the Landscape Improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; the furnishing of water and electrical current or energy for the irrigation or lighting of the Landscape Improvements and appurtenant facilities.

Park Maintenance

Park Maintenance includes, but is not limited to, the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Park Improvements and appurtenant facilities, including repair, refurbishment, removal or replacement of all or part of any of the Park Improvements and appurtenant facilities; providing for the life, growth, health and beauty of the Park Improvements and appurtenant facilities, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the furnishing of water and electrical current or energy for the irrigation of the Park Improvements and appurtenant facilities; and the lighting or operation of the Park Improvements and appurtenant facilities.

Street Lighting Maintenance

Street Lighting Maintenance may include but is not limited to the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Street Lighting Improvements, and appurtenant facilities, including repair, refurbishment, removal or replacement of all or part of any of the Street Lighting Improvements and appurtenant facilities; the furnishing of electrical current or energy for the maintenance of any Street Lighting Improvements and appurtenant facilities; and the furnishing of electric current or energy, gas or other illuminating agent for the Street Lighting Improvements and appurtenant facilities.

PART B Estimate of Cost

The estimated maximum costs for Maintenance Services are the estimated costs of maintenance and services if the Improvements were fully maintained for Fiscal Year 2022-2023. Section 22569(a) of Landscape and Lighting Act of 1972 (the “1972 Act”) provides that estimate of costs includes the total cost improvements to be made for the year, being the total costs of constructing or installing all proposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses. This may include an operating reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later.

The following table shows a summary of the estimated annual costs for the Improvements:

Cost Estimate Summary

Item	Cost/Year
Maintenance Costs	
Landscape Maintenance	\$8,543.18
Park Maintenance	\$4,219.96
Street Lighting Maintenance	<u>\$1,350.31</u>
Total Maintenance Costs	\$14,113.45
Administrative Cost	\$5,887.41
Reserves	
Operating Reserve (10% of Total Maintenance Cost)	\$1,411.35
Annual Capital Replacement Reserve	<u>\$7,068.53</u>
Total Reserves	\$8,479.88
Total Maintenance, Administrative and Reserve Costs	\$28,480.74
Less: Beginning Balance	\$0.00
Less: Required Contribution from General Fund ¹	<u>(\$3,002.34)</u>
Total Assessment Amount - Annexation No. 6	\$25,478.40

¹ A discussion on the determination of the required contribution from the City General Fund is provided in Section C of this Report.

Maintenance Costs

¹ Item	Unit	Quantity	Cost/Unit	Cost/Year ²
<u>Landscape Maintenance</u> ³				
Traffic Circle - Enterprise Drive and Seawind Way	SF	2,207	\$0.245	\$540.71
1A Traffic Circle - Enterprise Drive and Hickory Street	SF	2,290	\$0.245	\$561.05
Median Islands - Enterprise Drive	SF	354	\$0.245	\$86.73
1B Median Islands - Enterprise Drive and Hickory Street	SF	785	\$0.245	\$192.32
Trash Capture Devices ("TCD") on Enterprise Drive	EA	6	\$191.90	\$1,151.40
TCD's at Enterprise Drive and Seawind Way	EA	4	\$191.90	\$767.60
TCD's at Enterprise Drive and Hickory Street	EA	2	\$191.90	\$383.80
Bay Trail	SF	19,835	\$0.245	<u>\$4,859.57</u>
Total Landscape Maintenance Cost				\$8,543.18
<u>Park Maintenance</u> ³				
Harbor Pointe Share of Park Maintenance Costs	See Appendix C			\$4,219.96
<u>Street Lighting Maintenance</u> ³				
Enterprise Drive	EA	11	\$103.87	\$1,142.57
1C Traffic Circle - Enterprise Drive and Hickory Street	EA	2	\$103.87	<u>\$207.74</u>
Total Street Lighting Maintenance Cost				\$1,350.31
Total Maintenance Costs				\$14,113.45

Item	Cost/Year
<u>Administrative Cost</u>	
City Personnel Costs	\$1,411.35
Contractual Maintenance Costs	\$1,411.35
Inspection	\$1,129.08
Assessment Engineering	\$1,500.00
Alameda County Collection Charges (1.7%)	\$432.91
Rounding Adjustment	<u>\$2.72</u>
Total Administrative Cost	\$5,887.41

The Alameda County collection charge is equal to 1.7% of the total assessment placed on the tax roll each year.

The rounding adjustment is necessary so that the assessment amount for each parcel is rounded to even cents as the assessments are collected in two equal installments.

Operating Reserve

Operating Reserves will be collected over a five year period. The Cost Estimate Summary table on page 6 includes the amount to be collected for one year.

Annual Capital Replacement Reserve

The table on the following page shows a summary of the annual collection amount for capital replacement reserves for the Improvements:

¹	Item	Unit	Quantity	Cost/Unit	Cycle	Cost/Year ²
	<u>Landscape Improvements</u> ³					
	Traffic Circle - Enterprise Drive and Seawind Way	SF	2,207	\$1.49	75	\$43.84
2A	Traffic Circle - Enterprise Drive and Hickory Street	SF	2,290	\$1.49	75	\$45.49
	Median Islands - Enterprise Drive	SF	354	\$1.49	75	\$7.03
2B	Median Islands - Enterprise Drive and Hickory Street	SF	785	\$1.49	75	\$15.59
	Trash Capture Devices ("TCD") on Enterprise Drive	EA	6	\$533.08	75	\$42.64
	TCD's at Enterprise Drive and Seawind Way	EA	4	\$533.08	75	\$28.43
	TCD's at Enterprise Drive and Hickory Street	EA	2	\$533.08	75	\$14.21
	Bay Trail	SF	19,835	\$1.49	30	<u>\$985.13</u>
	Total Landscape Improvements Replacement Cost					\$1,182.36
	<u>Park Maintenance</u> ⁴					
	Harbor Pointe Share of Park Capital Replacement Costs	See Appendix C				\$3,109.45
	<u>Street Lighting Improvements</u> ⁵					
	LED Post Top	EA	13	\$1,889.13	14	\$1,792.60
	LED Printed Circuit Boards	EA	13	\$511.76	14	\$485.60
	Driver	EA	13	\$98.42	14	\$93.38
	Button Photocell	EA	13	\$92.27	25	\$47.97
	Fusing	EA	13	\$20.50	25	\$10.65
	Tapered Round POLE	EA	13	\$1,113.47	75	\$193.00
	Pole Bracket/Arm	EA	13	\$885.73	75	<u>\$153.52</u>
	Total Street Lighting Improvements Replacement Cost					\$2,776.72
Total Annual Replacement Cost						\$7,068.53

¹ Reference to tables on page 15

² Figures are rounded down to two decimal places

³ Park Maintenance and all unit costs are increased by 3% from the prior year to adjust for inflation.

PART C

Method of Apportionment of Assessment

General

The 1972 Act permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include the construction, maintenance and servicing of street lights, traffic signals, park and landscaping facilities.

Street and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit rather than according to assessed value. This section states:

The net amount to be assessed upon lands within an assessment District may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The 1972 Act permits the designation of areas of benefit within any individual assessment Zone if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements." (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

In addition, Proposition 218 (Prop. 218), the "Right to Vote on Taxes Act" which was approved on the November 1996 Statewide ballot and added Article XIID to the California Constitution, requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Prop. 218 provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. Prop. 218 also requires that publicly owned property which benefit from the improvements be assessed, unless that parcel can show no benefit from the improvements.

Special Benefit

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and distinct special benefit over and above general benefits by said public improvements in a way that is particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

Each assessed parcel within the Annexation receives a special and distinct benefit from the improvements. The Harbor Pointe (Bridgeway Parcel C) development is comprised of Tract 8453 and contains of 192 single-family lots, for a total EDU count of 192.00.

Special Benefit from Landscape Maintenance

All assessed parcels within the Annexation receive special benefit from Landscape Maintenance. Trees, landscaping, hardscapes, ornamental structures and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within the District by providing beautification, shade and positive enhancement of the community character, attractiveness and desirability of the surroundings. In addition, all of the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within the District.

Special Benefit from Park Maintenance

All assessed parcels within the Annexation receive special benefit from Park Maintenance. The overall quality of life and desirability of an area is enhanced, when public parks and recreational facilities are in place, improved, operable, safe, clean and properly maintained. Conversely, property desirability decreases when park and recreational facilities are unsafe or destroyed by the elements or vandalism.

Property desirability in an area also increases when there is an increase in the number of parks, recreation centers and sports facilities. These park and recreational facilities enable property owners to participate in sporting events, leisure activities, picnics, organized social events, and other miscellaneous activities.

Studies in a number of communities, including counties and cities throughout the United States, have indicated that recreation areas and facilities, if well maintained and wisely administered, have caused a marked increase in the property values of parcels in the community. Consequently, such recreation and park facilities have proved a potent factor in maintaining a sound economic condition and a high standard of livability in the community. These studies confirm the opinion, long held by planning authorities as to the economic value of parks and recreational facilities in a community.

The recreation value is realized as a rise in the value of land and other property in or near the recreation area, and is of both private interest to the landowner and others, holding an economic stake in the area, and of public interest to the taxpayers, who have a stake" (National Recreation and Park Association, June 1985)

Recreation and park amenities are central components in establishing the quality of life in a community. ... [Businesses'] main resource is their employees for whom quality of life is an important issue... The availability and attractiveness of local parks and programs influences some companies' relocation decisions. ... the presence of a park encourages real estate development around it.... ". (California Parks & Recreation, Winter 1997)

The benefit of parks and other recreational facilities to residential and commercial/industrial properties has been summarized by a number of studies. The United States Department of the Interior, National Park Service, in a publication of June 1984, concluded that:

- Parks and recreation stimulate business and generate tax revenues
- Parks and recreation help conserve land, energy, and resources
- An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property values
- Public recreation benefits all employers by providing continuing opportunities to maintain a level of fitness throughout ones working life, and through helping individuals cope with the stress of a fast-paced and demanding life

Proper maintenance and operation of the parks within the City benefits those properties within the service areas of the parks by providing environmental quality and recreational enhancement.

Special Benefit from Street Lighting Maintenance

All assessed parcels within the Annexation receive special benefit from Street Lighting Maintenance. The special benefit from street lighting can be measured by increased safety to people and property, as well as the enhanced safety created by the increased availability of lighting. The safety to people results in a special benefit to residential parcels because street lighting improves traffic safety during ingress and egress to the property and creates a deterrent to crime against people on the property. The safety to property results in a special benefit to both residential and vacant parcels because street lighting operation, maintenance and servicing provides for the protection of buildings and personal property against crimes such as theft and vandalism.

Additionally, all assessed parcels in the Annexation receive a special benefit from the installation, operation, maintenance and servicing of the operation, maintenance and servicing of street lighting on residential streets.

Parcels Outside the Annexation

The Improvements will be installed and are required as a condition of development. The size, type and location of the improvements may result however, in some benefit being received by parcels outside the Annexation area but within the District. Parcels that are located in the FMC Willow development (a future zone of the District) north of the intersection of Enterprise Drive and Hickory Street and parcels that are located in the Compass Bay development (Zone 5) southeast of the intersection of Enterprise Drive and Hickory Street benefit from Improvements located at the intersection of Enterprise Drive and Hickory street.

Furthermore, the Park Improvements provide special benefit to parcels outside of the Annexation as detailed in Appendix C.

Specifically, the Improvements that provide benefit to parcels outside of the Annexation are as follows:

Landscape Improvements

- The traffic circle and median islands at the intersection of Enterprise Drive and Hickory Street provide special benefit to the parcels in Compass Bay and the parcels in the future FMC Willow development.

Park Improvements

- Park Improvements provide benefit to the parcels within the Annexation, as well as to parcels located outside of the Annexation that are within one-half (1/2) mile of the proposed park. Property outside of the Harbor Pointe development that receives benefit from park improvements includes LLD No. 19, Zones 1 through 6, three future zones to be annexed into LLD No. 19, and 208 single residential parcels outside the District. The special benefit to parcels outside of the Annexation may not be assessed to parcels within the Annexation and must be funded from some other source, such as a City contribution from the General Fund.

Appendix C provides an exhibit showing the park benefit area within 1/2 mile of the park and a table that provides the calculation of the Harbor Pointe share of annual maintenance and capital replacement costs.

Street Lighting Improvements

- Two (2) street lights located at the traffic circle at Enterprise Drive and Hickory Street provide special benefit to the parcels in Compass Bay and the parcels in the future FMC Willow development.

Allocation of Maintenance Costs to Parcels Outside the Annexation

The share of the cost estimate that provides benefit to other parcels for maintenance of each of the shared landscape and street lighting improvements is shown in the following tables:

1A. Traffic Circle at Enterprise Drive and Seawind Way

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$159.88
Compass Bay	116.75	17.33%	\$97.22
FMC Willow	365.00	54.17%	\$303.95
Total for Traffic Circle	673.75	100.00%	\$561.05

1B. Median Islands Enterprise Drive and Hickory Street

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$54.81
Compass Bay	116.75	17.33%	\$33.33
FMC Willow	365.00	54.17%	\$104.19
Total for Median Islands	673.75	100.00%	\$192.32

1C. Street Lights at Enterprise Drive and Hickory Street

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$59.20
Compass Bay	116.75	17.33%	\$36.00
FMC Willow	365.00	54.17%	\$112.54
Total for Street Lighting	673.75	100.00%	\$207.74

Allocation of Capital Reserve Costs to Parcels Outside the Annexation

2A. Traffic Circle at Enterprise Drive and Seawind Way

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$12.96
Compass Bay	116.75	17.33%	\$7.88
FMC Willow	365.00	54.17%	\$24.64
Total for Traffic Circle	673.75	100.00%	\$45.49

2B. Median Islands Enterprise Drive and Hickory Street

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$4.44
Compass Bay	116.75	17.33%	\$2.70
FMC Willow	365.00	54.17%	\$8.45
Total for Median Islands	673.75	100.00%	\$15.59

Item	EDUs	% of EDUs	Cost Share
Harbor Pointe	192.00	28.50%	\$143.87
Compass Bay	116.75	17.33%	\$87.48
FMC Willow	365.00	54.17%	\$273.50
Total for Street Lighting	673.75	100.00%	\$504.86

Required Contribution for Special Benefit to Parcels Outside the Annexation

The total required contribution for special benefit to parcels outside the Annexation is as follows:

¹	Maintenance Costs	Cost/Year
1A	Traffic Circle Landscaping - Enterprise Drive and Seawind Way	\$401.17
1B	Median Island Landscaping - Enterprise Drive and Hickory Street	\$137.52
1C	Street Lighting - Enterprise Drive and Hickory Street	\$148.54
Benefit to Parcels Outside the Annexation from Maintenance		\$687.23

¹ Reference to tables on pages 12-13

¹	Capital Reserve Collection	Cost/Year
2A	Traffic Circle Landscaping - Enterprise Drive and Seawind Way	\$32.52
2B	Median Island Landscaping - Enterprise Drive and Hickory Street	\$11.15
2C	Street Lighting - Enterprise Drive and Hickory Street	\$360.98
Benefit to Parcels Outside the Annexation from Capital Reserve Collection		\$404.65

¹ Reference to tables on pages 13

Total Benefit to Parcels Outside the Annexation		\$1,091.88
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The share of costs allocated to parcels outside of the Annexation cannot be assessed to Annexation parcels and this amount is the required contribution from some other source, such as the City's General Fund.

There is also general benefit to the public-at-large from Improvements. The amount of general benefit is determined by the nature and location of the Improvements.

General Benefit from Landscape Maintenance

There is a general benefit component related to the trash capture devices ("TCD's"). The TCD's keep debris and other contaminants from getting into the landscaped areas outside the project, and the bio-retention basins within the project, reducing or eliminating the trash and other debris needing to be picked up in those areas. While a portion of this can be attributable to special benefit, the benefit to all parcels and the community in general (general benefit) is that the beauty of the area will be enhanced and contaminants in the water table will be reduced. Based on studies from the Environmental Protection Agency, California Water Board and WaterWorld, it is estimated that 80% of trash that ends up in our waterways or oceans originates on land. The tables below page show the allocation of the cost of the Trash Capture Devices to the Annexation parcels between special and general benefit.

General Benefit from Park Maintenance

There is a general benefit component related to Park Maintenance. The purpose of Neighborhood Parks, which this park is considered, and Neighborhood Park amenities, are to provide recreational opportunities to residents who reside in close proximity to the park, and as a result we must consider a small percentage of these Neighborhood Parks that provide a benefit to the general public. Please refer to the table in Appendix C for a breakdown of the general benefit percentage assigned to the park.

General Benefit from Street Light Maintenance

There is no general benefit component related to street lighting. Special benefit for street lighting is shared between the Annexations adjacent to the streetlights. The streetlights were installed as a condition of approval for each Zone and would not otherwise have been installed. Any benefit conferred to parcels or individuals outside the District is incidental and non-assessable.

General Benefit Share of Cost Estimate

The general benefit share of the cost of maintaining the Improvements must be funded by a contribution from a source other than Harbor Pointe assessments.

The share of the cost estimate that provides general benefit is shown below:

Twelve (12) Trash Capture Devices

General Benefit from Maintenance

TCD Maintenance	% of EDUs	Cost Share
Special Benefit to Parcels	20.0%	\$460.56
General Benefit	80.0%	\$1,842.24
Total TCD Maintenance Cost	100.00%	\$2,302.80

General Benefit from Capital Replacement Collection

TCD Capital Reserve Collection	% of EDUs	Cost Share
Special Benefit to Parcels	20.0%	\$17.06
General Benefit	80.0%	\$68.22
Total TCD Capital Reserve Collection	100.00%	\$85.28

Required Contribution for General Benefit

TCD General Benefit	Cost Share
TCD Maintenance Cost	\$1,842.24
TCD Capital Reserve Collection	\$68.22
Total General Benefit from TCD Improvements	\$1,910.46

The share of general benefit costs cannot be assessed to Annexation parcels and this amount is the required contribution from some other source, such as the City's General Fund.

Total Required Contribution for General Benefit and Special Benefit to Parcels Outside the Annexation

Item	Cost/Year
Required Contribution for Benefit to Outside Parcels from Landscape and Lighting Maintenance	\$687.23
Required Contribution for Benefit to Outside Parcels from Landscape and Lighting Capital Reserve	\$404.65
Required Contribution for General Benefit from TCD Devices	<u>\$1,910.46</u>
Total Required Contribution for General Benefit and Benefit to Outside Parcels	\$3,002.34

Note: This table does not include the required contribution for General Benefit associated with maintenance of the Park Improvements. Refer to the table in Appendix C for Harbor Pointe share of the park benefit calculation.

Since the assessment will be levied against parcels of property as shown on the tax roll, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread just by parcel, not considering land use or parcel size, a single family parcel would be paying the same as a 50 unit apartment parcel or a large commercial establishment and this would not be equitable.

The single family detached residential unit or lot has been selected as the basic unit for calculation of assessments and is defined as one Equivalent Dwelling Unit (EDU). Each land-use in the Annexation is converted to EDU's. The Annexation contains single family homes, condominiums and townhomes. There are no "non-residential" (commercial) parcels in the Annexation.

The EDU method is seen as the most appropriate and equitable method of spread of benefit to each parcel from the improvements since it is based on land-use type and parcel size. Property within the Annexation is assigned to one of the following two categories.

Single Family Residential. Parcels zoned for single family detached home residential uses are assessed 1 EDU per dwelling unit. Parcels designated as SFR land-use will be assessed 1 EDU per dwelling unit or lot, including vacant subdivided residential lots and vacant land zoned for single family residential uses with a tentative or final tract map.

Multiple Family Residential. Multiple-residential (including apartments, condominiums, townhomes, and duplexes) land use equivalencies are determined based on the number of dwelling units on each parcel. Due to population density and size of structure relative to the typical single family residence, each dwelling unit defined as multi-family residential, including apartments, condominiums, townhomes, and duplexes, are assigned and EDU of 0.75 EDU.

The EDU's assigned to a multiple-residential parcel are calculated by multiplying the number of dwelling units by the EDU Factor of 0.75.

Non-Residential. In converting non-residential properties to EDU's, the EDU Factor used is equal to the EDU density of the residential property in the Annexation.

Vacant. Vacant parcels receive a reduced level of benefit as compared to developed parcels. Vacant parcels therefore are assessed at 20% of the non-residential rate, or 1.63 EDU per acre. This includes all lots designated as vacant without a tentative or final tract map but does not include easements or streets, whether private or public, which are non-assessable.

Non-Assessable. Public easements, streets, common areas, non-buildable lots, etc., are considered non-assessable due to the fact that they derive no benefit from the improvements and services provided.

EDU Factors by Land Use

The following table is summary of the EDU Factors for the entire District, for each land use category and includes any future Annexations:

Land Use	EDU Factor
SFR	1.00 per Dwelling Unit
Multi-Family - Condo - Townhome	0.75 per Dwelling Unit
Non-Residential	8.158 EDU Per Acre
Vacant Property	1.631 EDU Per Acre
Non-Assessable	0.00 Per Parcel

Land Use and EDU Summary

Annexation EDU's			
Land Use	Dwelling Units	EDU Factor	EDU's
SFR	192.00	1.00	192.00
Multi-Family - Condo - Townhome	0.00	0.75	0.00
Non-Residential	0.00	7.81	0.00
Vacant Property	0.00	1.562	0.00
Non-Assessable	0.00	0.00	0.00
Totals	192.00		192.00

Assessment Rate Per EDU

The Assessment Rate Per EDU for the Annexation is calculated by dividing the Assessment Amount for the District by the total EDUs in the Annexation. The Applied Assessment Rate must be an even penny for County tax roll purposes.

Fiscal Year 2022-2023 Assessment Rates Per EDU		
Assessment Amount	Annexation EDU's	Rate Per EDU
\$25,478.40	192.00	\$132.70

Assessments

Fiscal Year 2022-2023 Maximum and Applied Assessment		
Maximum Assessment Per EDU	Maximum Assessment	Applied Assessment Per EDU
\$132.70	\$25,478.40	\$132.70

The 2022-2023 Applied Assessment may be adjusted, based upon the level of development at the time, but not to exceed the established Max Assessment Rate.

- Each fiscal year, the greater of CPI or 3% shall be applied to the Maximum Assessment Rate established the previous fiscal year to calculate the appropriate Adjusted Maximum Assessment Rate for the then current fiscal year.
- If the proposed annual assessment rate for the upcoming fiscal year is less than or equal to the Adjusted Maximum Assessment Rate established for that fiscal year then the proposed annual assessment is not considered an increased assessment.

PART D

Assessment Diagram

The boundary diagram for the Annexation is included herein as Appendix A, and is part of this report.

The lines and dimensions of each lot or parcel within the Annexation are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

PART E

Assessment Roll

All assessed lots or parcels of real property within the Annexation are listed on the Assessment Roll. The Assessment Roll states the net amount to be assessed upon assessable lands within the Annexation for Fiscal Year 2022-2023, shows the assessment upon each lot or parcel, and describes each assessable lot or parcel of land within the Annexation. These lots or parcels are more particularly described in the Assessment Roll, which is included in this Report as Appendix D.

BAY TRAIL (19,835 SF)

LEGEND

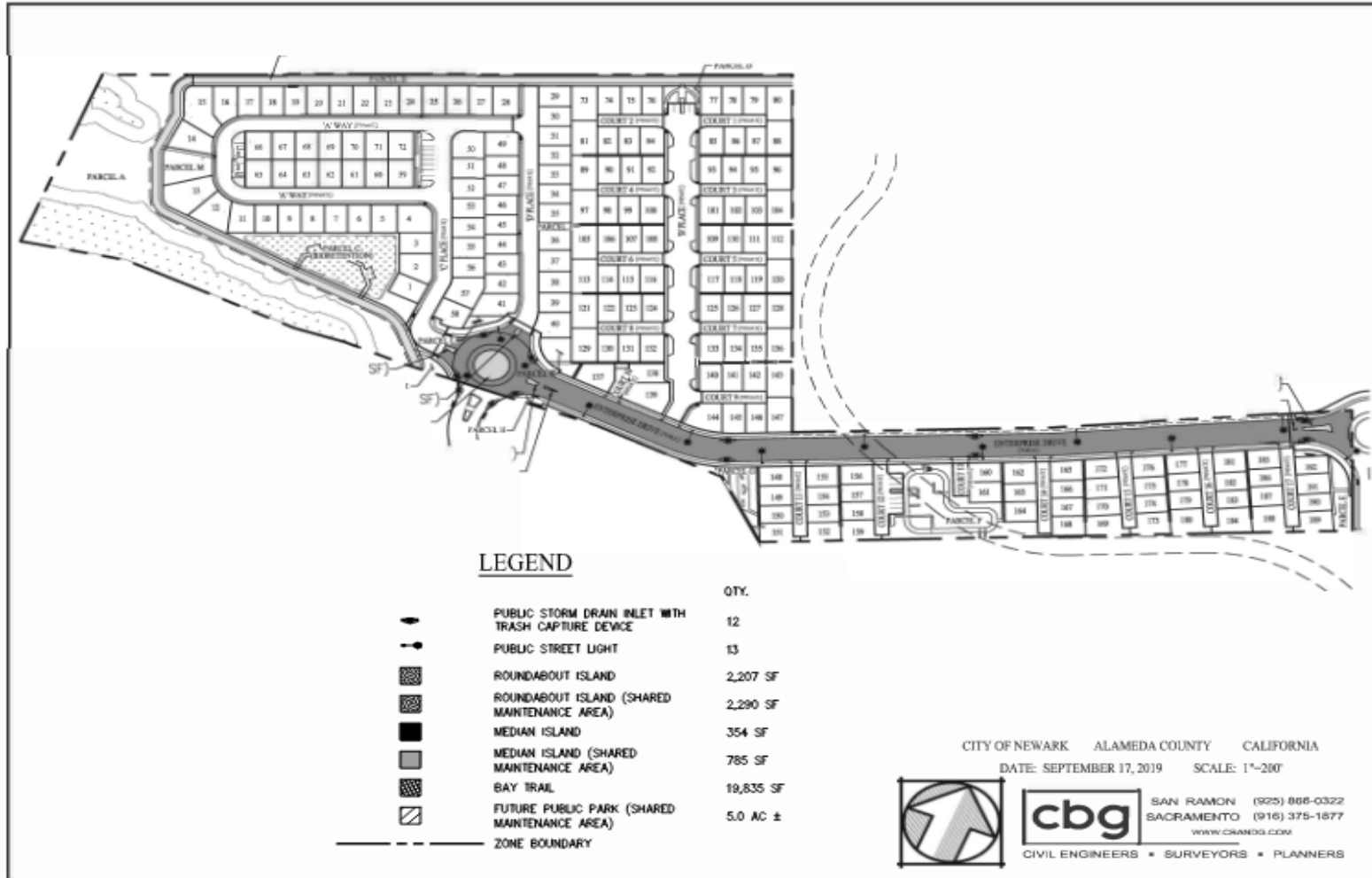
SYMBOL	DESCRIPTION	QTY.
[Symbol]	PUBLIC STORM DRAIN INLET WITH TRASH CAPTURE DEVICE	12
[Symbol]	PUBLIC STREET LIGHT	13
[Symbol]	ROUNDOUT ISLAND	2,207 SF
[Symbol]	ROUNDOUT ISLAND (SHARED MAINTENANCE AREA)	2,290 SF
[Symbol]	MEDIAN ISLAND	354 SF
[Symbol]	MEDIAN ISLAND (SHARED MAINTENANCE AREA)	785 SF
[Symbol]	BAY TRAIL	19,835 SF
[Symbol]	FUTURE PUBLIC PARK (SHARED MAINTENANCE AREA)	5.0 AC ±

**EXHIBIT A
TRACT 8453
ASSESSMENT DIAGRAM**

HARBOR POINTE
CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA
DATE: OCTOBER 15, 2020 SCALE: 1"=200'

cbg SAN RAMON (925) 886-0322
CIVIL ENGINEERS • SURVEYORS • PLANNERS SACRAMENTO (916) 375-1877
WWW.CBGCS.COM

APPENDIX B



APPENDIX C

City of Newark
Landscape & Lighting District No. 19

Park Benefit Area Analysis
for
Allocation of Park Costs to Benefitting Areas



LEGEND

-  Future 5.05 Acre Grand Park
-  Park Benefit Area 0.5 Mile Radius
-  L & L District No. 19 Zone 6 (Compass Bay)
-  L & L District No. 19 Other Zones and Planned Future Zone
-  Benefitting Residential Parcels Outside of the District

Park Benefit Area	Benefit Area EDUs		Area Share of Park Costs		
	EDUs	% of EDUs	Maintenance ¹	Replacement ²	Total
LLD No. 19 - Zone 7 (Harbor Pointe)	192.00	8.54%	\$4,219.96	\$3,109.45	\$7,329.41
<u>Other LLD No. 19 Zones</u>					
LLD No. 19 - Zone 1 (Bayshores) ³	452.75	20.14%	\$9,661.15	\$7,118.74	\$16,779.89
LLD No. 19 - Zone 2 (Lighthouse)	66.00	2.94%	\$1,408.36	\$1,037.74	\$2,446.10
LLD No. 19 - Zone 3 (Newark Seniors Housing)	56.25	2.50%	\$1,200.31	\$884.44	\$2,084.75
LLD No. 19 - Zone 4 (Glass Bay)	217.00	9.65%	\$4,630.52	\$3,411.97	\$8,042.49
LLD No. 19 - Zone 5 (Bridgeway)	508.50	22.62%	\$10,850.79	\$7,995.32	\$18,846.11
LLD No. 19 - Zone 6 (Compass Bay)	116.75	5.19%	\$2,491.31	\$1,835.70	\$4,327.01
<u>Future LLD No. 19 Zones</u>					
LLD No. 19 - Zone 8 (Willow)	365.00	16.23%	\$7,788.67	\$5,739.02	\$13,527.69
LLD No. 19 - Future Zone (Tract 8110) ⁴	35.00	1.56%	\$746.86	\$550.32	\$1,297.18
LLD No. 19 - Future Zone (Park Property - 8333 Enterprise) ⁴	31.00	1.38%	\$661.50	\$487.42	\$1,148.92
Benefitting Residential Parcels Outside of the District	208.00	9.25%	\$4,438.48	\$3,270.45	\$7,708.93
Totals:	2,248.25	100.00%	\$48,097.91	\$35,440.57	\$83,538.48

¹ The estimated maintenance costs for the planned park equals \$9,500 per acre times 5.05 acres

² The estimated capital replacement costs for the planned park equals \$7,000 per acre times 5.05 acres

³ 23 EDU within Bayshores are not included as Phase 3 - Lots 25 thru 47 are located outside of the 0.5 mile park benefit radius

⁴ EDU count equals maximum number of units approved for development - Source: Dumbarton TOD Specific Plan, September 8, 2010

APPENDIX D Assessment Roll

The Assessment Roll is hereby incorporated and made a part of this Report, as shown below. Reference is made to the Alameda County Assessment Roll for a description of the lots or parcels in the Annexation.

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
A	537 -0861-001	8453	LENNAR HOMES OF CA	Trail/O.S.	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
C	537 -0861-002	8453	LENNAR HOMES OF CA	Det. Basin	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
I	537 -0861-003	8453	LENNAR HOMES OF CA	Mow Strip	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
L	537 -0861-004	8453	LENNAR HOMES OF CA	Mow Strip	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
M	537 -0861-005	8453	LENNAR HOMES OF CA	Park	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
N	537 -0861-006	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
1	537 -0861-007	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
2	537 -0861-008	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
3	538 -0861-009	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
4	538 -0861-010	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
5	537 -0861-011	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
6	537 -0861-012	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
7	537 -0861-013	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
8	537 -0861-014	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
9	537 -0861-015	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
10	537 -0861-016	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
11	537 -0861-017	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
12	537 -0861-018	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
13	537 -0861-019	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
14	537 -0861-020	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
15	537 -0861-021	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
16	537 -0861-022	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
17	537 -0861-023	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
18	537 -0861-024	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
19	537 -0861-025	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
20	537 -0861-026	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
21	537 -0861-027	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
22	537 -0861-028	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
23	537 -0861-029	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
24	537 -0861-030	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
25	537 -0861-031	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
26	537 -0861-032	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
27	537 -0861-033	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
28	537 -0861-034	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
B	537 -0862-001	8453	LENNAR HOMES OF CA	Trail	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
D	537 -0862-002	8453	LENNAR HOMES OF CA	Parklet	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
H	537 -0862-003	8453	LENNAR HOMES OF CA	Mow Strip	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
J	537 -0862-004	8453	LENNAR HOMES OF CA	Paseo	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
K	537 -0862-005	8453	LENNAR HOMES OF CA	Mow Strip	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
O	537 -0862-006	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
P	537 -0862-007	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
Q	537 -0862-008	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
R	537 -0862-009	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
S	537 -0862-010	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
T	537 -0862-011	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
U	537 -0862-012	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
V	537 -0862-013	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
W	537 -0862-014	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
X	537 -0862-015	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
Y	537 -0862-016	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
Z	537 -0862-017	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
29	537 -0862-018	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
30	537 -0862-019	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
31	537 -0862-020	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
32	537 -0862-021	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
33	537 -0862-022	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
34	537 -0862-023	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
35	537 -0862-024	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
36	537 -0862-025	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
37	537 -0862-026	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
38	537 -0862-027	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
39	537 -0862-028	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
40	537 -0862-029	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
41	537 -0861-035	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
42	537 -0861-036	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
43	537 -0861-037	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
44	537 -0861-038	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
45	537 -0861-039	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
46	537 -0861-040	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
47	537 -0861-041	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
48	537 -0861-042	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
49	537 -0861-043	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
50	537 -0861-044	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
51	537 -0861-045	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
52	537 -0861-046	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
53	537 -0861-047	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
54	537 -0861-048	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
55	537 -0861-049	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
56	537 -0861-050	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
57	537 -0861-051	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
58	537 -0861-052	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
59	537 -0861-053	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
60	537 -0861-054	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
61	537 -0861-055	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
62	537 -0861-056	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
63	537 -0861-057	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
64	537 -0861-058	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
65	537 -0861-059	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
66	537 -0861-060	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
67	537 -0861-061	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
68	537 -0861-062	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
69	537 -0861-063	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
70	537 -0861-064	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
71	537 -0861-065	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
72	537 -0861-066	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
73	537 -0862-030	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
74	537 -0862-031	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
75	537 -0862-032	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
76	537 -0862-033	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
77	537 -0862-034	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
78	537 -0862-035	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
79	537 -0862-036	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
80	537 -0862-037	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
81	537 -0862-038	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
82	537 -0862-039	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
83	537 -0862-040	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
84	537 -0862-041	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
85	537 -0862-042	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
86	537 -0862-043	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
87	537 -0862-044	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
88	537 -0862-045	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
89	537 -0862-046	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
90	537 -0862-047	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
91	537 -0862-048	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
92	537 -0862-049	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
93	537 -0862-050	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
94	537 -0862-051	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
95	537 -0862-052	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
96	537 -0862-053	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
97	537 -0862-054	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
98	537 -0862-055	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
99	537 -0862-056	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
100	537 -0862-057	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
101	537 -0862-058	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
102	537 -0862-059	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
103	537 -0862-060	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
104	537 -0862-061	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
105	537 -0862-062	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
106	537 -0862-063	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
107	537 -0862-064	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
108	537 -0862-065	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
109	537 -0862-066	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
110	537 -0862-067	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
111	537 -0862-068	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
112	537 -0862-069	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
113	537 -0862-070	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
114	537 -0862-071	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
115	537 -0862-072	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
116	537 -0862-073	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
117	537 -0862-074	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
118	537 -0862-075	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
119	537 -0862-076	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
120	537 -0862-077	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
121	537 -0862-078	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
122	537 -0862-079	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
123	537 -0862-080	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
124	537 -0862-081	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
125	537 -0862-082	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
126	537 -0862-083	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
127	537 -0862-084	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
128	537 -0862-085	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
129	537 -0862-086	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
130	537 -0862-087	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
131	537 -0862-088	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
132	537 -0862-089	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
133	537 -0862-090	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
134	537 -0862-091	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
135	537 -0862-092	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
136	537 -0862-093	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
137	537 -0862-094	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
138	537 -0862-095	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
139	537 -0862-096	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
140	537 -0862-097	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
141	537 -0862-098	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
142	537 -0862-099	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
143	537 -0862-100	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
144	537 -0862-101	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
145	537 -0862-102	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
146	537 -0862-103	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
147	537 -0862-104	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
AA	537 -0863-001	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
BB	537 -0863-002	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
CC	537 -0863-003	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
DD	537 -0863-004	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
E	537 -0863-005	8453	LENNAR HOMES OF CA	Mow Strip	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
EE	537 -0863-003	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
F	537 -0863-007	8453	LENNAR HOMES OF CA	Park	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
FF	537 -0863-008	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
G	537 -0863-009	8453	LENNAR HOMES OF CA	Parklet	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
GG	537 -0863-011	8453	LENNAR HOMES OF CA	Road	0.00	0.00	0.00	\$132.70	\$0.00	\$0.00
148	537 -0863-011	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
149	537 -0863-012	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
150	537 -0863-013	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
151	537 -0863-014	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
152	537 -0863-015	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
153	537 -0863-016	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
154	537 -0863-017	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
155	537 -0863-018	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
156	537 -0863-019	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
157	537 -0863-020	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
158	537 -0863-021	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
159	537 -0863-022	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
160	537 -0863-023	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
161	537 -0863-024	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
162	537 -0863-025	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
163	537 -0863-026	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

Lot No.	APN	TRACT	OWNER	PARCEL TYPE	UNITS	EDU FACTOR	TOTAL EDU'S	RATE PER EDU	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
164	537 -0863-027	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
165	537 -0863-028	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
166	537 -0863-029	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
167	537 -0863-030	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
168	537 -0863-031	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
169	537 -0863-032	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
170	537 -0863-033	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
171	537 -0863-034	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
172	537 -0863-035	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
173	537 -0863-036	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
174	537 -0863-037	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
175	537 -0863-038	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
176	537 -0863-039	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
177	537 -0863-040	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
178	537 -0863-041	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
179	537 -0863-042	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
180	537 -0863-043	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
181	537 -0863-044	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
182	537 -0863-045	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
183	537 -0863-046	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
184	537 -0863-047	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
185	537 -0863-048	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
186	537 -0863-049	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
187	537 -0863-050	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
188	537 -0853-051	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
189	537 -0853-052	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
190	537 -0853-053	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
191	537 -0853-054	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70
192	537 -0853-055	8453	LENNAR HOMES OF CA	SFR	1.00	1.00	1.00	\$132.70	\$132.70	\$132.70

	UNITS	TOTAL EDU's	2022-2023 MAXIMUM ASSESSMENT	2022-2023 APPLIED ASSESSMENT
HARBOR POINTE TOTALS:	192.00	192.00	\$25,478.40	\$25,478.40

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE FINAL ENGINEER'S REPORT,
AND APPROVING THE ANNEXATION OF TRACT 8453 TO
ZONE 7 – HARBOR POINTE OF LANDSCAPING AND
LIGHTING DISTRICT NO. 19

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 and Proposition 218, City Council, by Resolution No. 11,292 adopted on December 9, 2021, (i) ordered the initiation of proceedings for the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 (the “Annexation”) for the purpose of financing the maintenance of those public improvements identified in the preliminary Engineer’s Report prepared by Harris & Associates (the “Engineer’s Report”); (ii) approved the preliminary Engineer’s Report; and (iii) set the date and time for a public hearing (the “Public Hearing”) on the Annexation pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, City Council provided a 45-day written notice of the Public Hearing to each record owner of assessable parcels of real property located within the boundaries of the Annexation; and

WHEREAS, the Public Hearing was held at a meeting of the City Council on January 27, 2022 at 7:00 pm on the approval of the Annexation and approval of the final Engineer’s Report. Due to the COVID-19 pandemic, the public hearing was conducted utilizing teleconferencing and electronic means consistent with the State Executive Order N-29-20; and

WHEREAS, every interested person had an opportunity to make a protest to the final Engineer’s Report either in writing or orally at the Public Hearing, and the City Council has considered each protest, if any; and

WHEREAS, the 45-day written notice also included a Special Election Ballot by which each property owner could express their support or opposition to the proposed assessment; and

WHEREAS, the ballot indicated that it must be returned before the conclusion of the Public Hearing on January 27, 2022 in order to be valid and counted and that all ballots physically received by the City Clerk would be tabulated after the conclusion of the public input portion of the Public Hearing; and

WHEREAS, Special Election Ballots sent to owners of assessable real property within the boundaries of the Annexation have been received and tabulated, with ballots weighted according to the proportional financial obligation of each parcel; and

WHEREAS, for fiscal year 2022-23 the calculated annual total district assessment is proposed at twenty-five thousand four hundred seventy-eight dollars and forty cents (\$25,478.40); and

WHEREAS, in order to keep up with inflation, the maximum annual assessment for improvements associated with Zone 7 – Harbor Pointe is proposed to be adjusted annually by the Consumer Price Index or three percent (3%), whichever is greater; and

WHEREAS, this resolution is adopted in accordance with the Landscaping and Lighting Act of 1972;

NOW, THEREFORE, BE IT RESOLVED that the canvass and tabulation of ballots submitted by property owners within the boundaries of the Annexation prior to the close of the public hearing is complete and certified by the City Clerk, the results of which are as follows:

Total Number of Valid Ballots Processed:	_____
Total Assessment Amount of Valid Ballots:	_____
Total Number of “Yes” Votes Processed:	_____
Total Assessment Amount of “Yes” Votes Processed:	_____
Percentage of “Yes” Votes, Unweighted:	_____
Percentage of “Yes” Ballots, Weighted by Assessment:	_____
Total Number of “No” Votes Processed:	_____
Total Assessment Amount of “No” Votes Processed:	_____
Percentage of “No” Votes, Unweighted:	_____
Percentage of “No” Ballots, Weighted by Assessment:	_____

BE IT FURTHER RESOLVED that, as weighted according to the amount of assessment for each parcel, _____% of the property owners within the Annexation cast ballots in support of the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 and that a majority protest, as defined by Section 53753 of the California Government Code, does not exist.

BE IT FURTHER RESOLVED that the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 is approved.

BE IT FURTHER RESOLVED that the final Engineer’s Report is hereby approved and the Zone 7 – Harbor Pointe Landscaping and Lighting District No. 19 improvements to be financed with assessment proceeds described in the Engineer’s Report are hereby ordered.

BE IT FURTHER RESOLVED that this City Council confirms the assessment diagram and the annual assessments as set forth in the final Engineer’s Report.

BE IT FURTHER RESOLVED that the allowance for an annual increase to the maximum assessment to be levied in future fiscal years based on the greater of the San Francisco/Oakland/San Jose area Consumer Price Index or three percent (3%) is hereby approved.

BE IT FURTHER RESOLVED that the initial assessment for Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 will be for Fiscal Year 2022-23, based on this annual increase.

BE IT FURTHER RESOLVED that this resolution is adopted pursuant to Section 22631 of the Streets and Highways Code.



STAFF REPORT

Item G. 1.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM Alan L. Nagy, Mayor
SUBJECT Adopt a resolution approving the Mayor's appointment to the Planning Commission

Karen Bridges provided 28 years of dedicated service to the Newark Planning Commission. Ms. Bridges resigned from the Planning Commission effective November 28, 2021. Her term was scheduled to expire on December 31, 2024.

The City Clerk advertised the vacancy and applications were received from Mark Gonzales, Lori Bogisich, Namit Saksena, Raju Mathew, Matthew Jorgens, and Jason Miguel.

The applicants have been interviewed and the Mayor will announce his nomination at the City Council Meeting to fill the unexpired term through December 31, 2024.

It is recommended that the City Council adopt a resolution approving an appointment to the Planning Commission.

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE APPOINTMENT OF _____
TO THE PLANNING COMMISSION

WHEREAS, Karen Bridges, hereto appointed member of the Planning Commission, resigned her seat effective November 30, 2021; and

WHEREAS, the City Clerk of the City of Newark advertised the vacancy and received applications from Mark Gonzales, Lori Bogisich, Namit Saksena, Raju Mathew, Matthew Jorgens, and Jason Miguel by the posted deadline; and

WHEREAS, the Mayor of the City of Newark has interviewed the applicants; and

WHEREAS, the Mayor of the City of Newark has appointed _____
to said position on the Planning Commission for a term expiring December 31, 2024;

NOW, THEREFORE, BE IT RESOLVED that said appointment is hereby approved by the City Council of the City of Newark.



STAFF REPORT

Item H. 1.

DATE 01/27/2022
TO Honorable Mayor and City Council Members
FROM David Benoun, City Manager
SUBJECT Closed Session pursuant to Government Code Section 54957, Public Employee
Performance Evaluation, Title: City Manager
