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, March 24, 2022
7:00 P.M.

HYBRID IN-PERSON/VIRTUAL MEETING
REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR IN-PERSON.

IF YOU ATTEND THE MEETING IN PERSON, A FACE COVERING IS RECOMMENDED BUT NOT REQUIRED

A. ROLL CALL

B. PRESENTATIONS

1. Proclaiming March as March for Meals Month

2. Introduction of employees

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 March 10, 2022, special and regular meeting minutes

3. Adopt an ordinance adding Chapter 7.24, Fireworks Social Host Ordinance, to the Newark Municipal Code to increase penalties an enforcement authority related to illegal use of fireworks

4. Adopt a Resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic

5. 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 March 24 Pursuant to AB 361

6. Adopt a Resolution Authorizing the City Manager to Execute the First Amendment to the Contractual Services Agreement with 4Leaf Inc. to Provide Temporary Professional Planning Services

7. Motion to accept the recommendation from the Community Development Advisory Committee for allocation of anticipated Community Development Block Grant Jurisdiction Improvement Project funds for Fiscal Year 2022-2023

8. Mid-year Budget Review and Adopt a Resolution Approving an Amendment of the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2022.

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Informational Economic Development Report

2. Overview of the 2022-2024 Capital Improvement Plan

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. Resolution approving re-appointments to the Newark Senior Citizens Standing Advisory Committee and the Measure GG Oversight Committee

H. CLOSED SESSION

1. Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: City Manager Benoun, Assistant City Manager Hovorka, and Human Resources Director Solito; Employee Groups: the Newark Association of Miscellaneous Employees; the Newark Police Management Association; the Newark Police Association; the Confidential Employee Group; and City Officials and the Management, Supervisory, and Professional Employee Group.

I. ADJOURNMENT

HYBRID IN-PERSON/VIRTUAL MEETING NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Assembly Bill 361 (2021). Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube. If you attend the meeting in person, a face covering is recommended but not required.

Mayor Nagy, Vice Mayor Hannon, and Council Members Bucci, Collazo, and Freitas may be attending this meeting via teleconference. Teleconference locations are not open to the public. In the event that any members of the City Council elect to attend this meeting via teleconference, 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/UC383NGSxaPwZP1lkJbo2T8A
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/84840421390

From a telephone dial 1- 669-900-9128, Webinar ID Number 848 4042 1390

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.

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	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Proclaiming March as March for Meals Month

March for Meals Month is a month-long event that supports and recognizes the work that Meals on Wheels programs provide for their communities. LIFE ElderCare, a program providing home-delivered meals, has served the Newark community for more than 47 years. A LIFE ElderCare staff member will accept the Proclamation designating March as March for Meals Month.

Attachments

Proclamation

PROCLAMATION NO. 1863

20TH ANNUAL MARCH FOR MEALS MONTH

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, and raise awareness about senior hunger; and

WHEREAS, the 2022 observance of March for Meals celebrates 20 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, LIFE ElderCare, a program providing home-delivered meals, has served our Newark community admirably for more than 47 years; and

WHEREAS, volunteers for LIFE ElderCare are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, LIFE ElderCare programs in Alameda County provide a powerful socialization opportunity for millions of seniors to help combat loneliness and isolation; and

NOW, THEREFORE, I, Alan L. Nagy, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim March 2022 as the

20TH ANNUAL MARCH FOR MEALS MONTH

in Newark and urge every citizen to take this month to honor Meals on Wheels of Alameda County and its programs, the seniors they serve and the volunteers who care for them.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-fourth Day of March, Two Thousand Twenty-two.

ALAN L. NAGY
Mayor

STAFF REPORT

Item B. 2.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Introduction of employees

The following employees will be introduced at the meeting:

Associate Planner Joseph Balabat
Community Preservation Manager Steve Willkomm

STAFF REPORT

Item D. 1.

DATE	03/24/2022
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: 03/03/2022

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE					
Check	03/03/2022	5097 Accounts Payable	4LEAF INC		16,800.00
	Invoice	Date	Description		Amount
	J3962E	02/18/2022	TEMPORARY PROFESSIONAL PLANNING SERVICES 01/01-01/31/22		16,800.00
Check	03/03/2022	5098 Accounts Payable	AIRGAS USA, LLC		75.86
	Invoice	Date	Description		Amount
	9986210734	01/31/2022	CYL ACETYLENE RENTAL 01/31/2022		75.86
Check	03/03/2022	5099 Accounts Payable	ALAMEDA COUNTY FIRE DEPARTMENT		930,957.42
	Invoice	Date	Description		Amount
	2021-22-278	02/16/2022	CONTRACT FIRE SERVICES - 02/22		930,957.42
Check	03/03/2022	5100 Accounts Payable	ALAMEDA COUNTY WATER DISTRICT		383.16
	Invoice	Date	Description		Amount
	0201-021422	02/15/2022	HYDRANTS WATER SERVICE 02/01/22-02/14/22 (ended service for 3)		383.16
Check	03/03/2022	5101 Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		299.88
	Invoice	Date	Description		Amount
	72330-ADDITIONAL	10/06/2021	SCHOOL CROSSING GUARD SVCS 09/19/21-10/02/21 - ADDITIONAL DUE		299.88
Check	03/03/2022	5102 Accounts Payable	BAY CENTRAL PRINTING		128.54
	Invoice	Date	Description		Amount
	190910	02/08/2022	BUSINESS CARD IMPRINTING - JOLIE MACIS		64.27
	190950	02/10/2022	BUSINESS CARD IMPRINTING - DAN FEJARANG		64.27
Check	03/03/2022	5103 Accounts Payable	BLAISDELL'S BUSINESS PRODUCTS		445.91
	Invoice	Date	Description		Amount
	FEB'22	03/03/2022	OFFICE SUPPLIES		445.91
Check	03/03/2022	5104 Accounts Payable	CLEARS, INC		120.00
	Invoice	Date	Description		Amount
	2022	03/02/2022	CLEARS MEMEBERSHIP 2022		120.00
Check	03/03/2022	5105 Accounts Payable	CA ASSOCIATION FOR LOCAL ECONOMIC DEVELOPMENT		570.00
	Invoice	Date	Description		Amount
	300003393	09/22/2021	MEMBERSHIP RENEWAL		570.00
Check	03/03/2022	5106 Accounts Payable	FLOORNET LLC		1,900.00

	Invoice	Date	Description	Amount
	1314	12/15/2021	MOISTURE TESTING	1,900.00
Check	03/03/2022	5107 Accounts Payable	APRO LLC	135.00
	Invoice	Date	Description	Amount
	010122-013122	01/31/2022	PATROL VEHICLE CLEANING JAN 2022	135.00
Check	03/03/2022	5108 Accounts Payable	CITY OF UNION CITY	7,011.17
	Invoice	Date	Description	Amount
	2022-0263	01/13/2022	50% OF EMERGENCY SERVICES COORDINATORY SALARY 02/22	7,011.17
Check	03/03/2022	5109 Accounts Payable	CLASSIC GRAPHICS	338.66
	Invoice	Date	Description	Amount
	45997	02/10/2022	FLEET DECALS #1204	11.08
	45949	02/02/2022	FLEET DECALS	327.58
Check	03/03/2022	5110 Accounts Payable	BRYAN COBB	13.10
	Invoice	Date	Description	Amount
	0114-012722EXP	02/18/2022	MILEAGE REIMBURSEMENT FOR 1/14-1/27/22	13.10
Check	03/03/2022	5111 Accounts Payable	COMCAST	594.71
	Invoice	Date	Description	Amount
	0222-032122SIL	02/17/2022	MONTHLY CABLE SERVICE 02/22-03/21/22	594.71
Check	03/03/2022	5112 Accounts Payable	COTTON, SHIRES AND ASSOCIATES, INC.	1,178.75
	Invoice	Date	Description	Amount
	222186	02/23/2022	MOWRY VILLAGE GEOTECH PEER REVIEW (P2020-002) 02/22	1,178.75
Check	03/03/2022	5113 Accounts Payable	ALAMEDA COUNTY INFORMATION TECHNOLOGY DEPARTMENT	3,399.50
	Invoice	Date	Description	Amount
	112-2201036	02/09/2022	AWS ACCESS FEES JAN 2022	3,399.50
Check	03/03/2022	5114 Accounts Payable	TREVOR DAMEWOOD	1,764.42
	Invoice	Date	Description	Amount
	1119-112321EXP	03/02/2022	EXPENSE REIMBURSEMENT	1,764.42
Check	03/03/2022	5115 Accounts Payable	DUKE DE LEON	240.00
	Invoice	Date	Description	Amount
	4158	02/27/2022	VIDEO RECORDING SERVICES 2/10/22 & 2/24/22 CITY COUNCIL MEETING	240.00
Check	03/03/2022	5116 Accounts Payable	EAST BAY LAWN MOWER	1,273.43
	Invoice	Date	Description	Amount
	37096	02/14/2022	CHAIN SAW AND POLE SAW REPAIR	496.72
	37003	02/14/2022	SMALL EQUIPMENT PARTS AND SUPPLIES	29.89
	37094	02/14/2022	SMALL EQUIPMENT REPAIR	746.82
Check	03/03/2022	5117 Accounts Payable	EMC PLANNING GROUP INC.	1,762.86
	Invoice	Date	Description	Amount
	22-025	01/31/2022	CONSULTING ON NEWPARK PLACE SPECIFIC PLAN (NOV 2021-JAN 2022)	1,762.86
Check	03/03/2022	5118 Accounts Payable	EQUIFAX INFORMATION SVCS LLC	50.48

	Invoice	Date	Description	Amount
	6693917	02/07/2022	CREDIT BUREAU REPORT FEES - 02/22	50.48
Check	03/03/2022	5119 Accounts Payable	EWING IRRIGATION PRODUCTS INC.	258.07
	Invoice	Date	Description	Amount
	16096736	02/15/2022	IRRIGATION SUPPLIES	258.07
Check	03/03/2022	5120 Accounts Payable	FIRST BAPTIST CHURCH	80.00
	Invoice	Date	Description	Amount
	FEB 2022	02/25/2022	FEBRUARY 2022 DONATION	80.00
Check	03/03/2022	5121 Accounts Payable	FREMONT ALARM	4,820.00
	Invoice	Date	Description	Amount
	62-503	01/13/2022	ANNUAL ALARM MONITORING 01/01-12/31/22	4,820.00
Check	03/03/2022	5122 Accounts Payable	FREMONT CDJR	119.69
	Invoice	Date	Description	Amount
	86078	02/01/2022	FLEET PARTS AND SUPPLIES	119.69
Check	03/03/2022	5123 Accounts Payable	FREMONT FORD/AUTOBODY OF FREMONT	209.95
	Invoice	Date	Description	Amount
	401158	01/28/2022	FORD MAINT - VEH #3	209.95
Check	03/03/2022	5124 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.	360.00
	Invoice	Date	Description	Amount
	E 196708	01/31/2022	REPAIR VALVE AT SPORTSFIELD	360.00
Check	03/03/2022	5125 Accounts Payable	GRAINGER	307.93
	Invoice	Date	Description	Amount
	9191636399	01/26/2022	BLDG SUPPLIES	24.85
	9192425982	01/26/2022	SILLIMAN POOL PARTS AND MAINT	50.77
	9142253179	12/06/2021	SILLIMAN SUPPLIES - CONNECTORS	141.87
	9190937491	01/25/2022	SILLIMAN STRUT CHANNEL	90.44
Check	03/03/2022	5126 Accounts Payable	GYM DOCTORS	190.00
	Invoice	Date	Description	Amount
	127420	01/06/2022	MAINTENANCE SERVICE FOR JANUARY	190.00
Check	03/03/2022	5127 Accounts Payable	HARRIS COMPUTER SYSTEMS	7,636.77
	Invoice	Date	Description	Amount
	CERMN0000062	12/16/2021	WINTERGRATE - MAR 2022 TO FEB 2023	1,474.65
	CERMN0000041	09/23/2021	ADDITIONAL SERVICES FOR HARRIS	6,162.12
Check	03/03/2022	5128 Accounts Payable	FRANK HERBERT	1,130.55
	Invoice	Date	Description	Amount
	0110-011422EXP	03/02/2022	EXPENSE REIMBURSEMENT	1,130.55
Check	03/03/2022	5129 Accounts Payable	HILLYARD / SAN FRANCISCO	1,300.98
	Invoice	Date	Description	Amount
	604564139	12/08/2021	SILLIMAN SUPPLIES - JANITORIAL	1,300.98

Check	03/03/2022	5130 Accounts Payable	HIROSHI ICHIMURA	2,456.40
	Invoice	Date	Description	Amount
	0108-022622	02/26/2022	PAYMENT FOR KENDO 1/8 - 2/26/2022	2,456.40
Check	03/03/2022	5131 Accounts Payable	JANSSEN'S PLACE AUTO BODY	5,592.15
	Invoice	Date	Description	Amount
	7061	02/07/2022	FLEET MAINTENANCE-20178 FORD INTERCEPTOR	5,592.15
Check	03/03/2022	5132 Accounts Payable	JARVIS, FAY & GIBSON, LLP	2,210.00
	Invoice	Date	Description	Amount
	16044	12/31/2021	LEGAL SERVICES FOR FMC WILLOW PROJECT 12/21	2,210.00
Check	03/03/2022	5133 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	2,984.70
	Invoice	Date	Description	Amount
	8738500	02/10/2022	COPIER LEASE/SERVICE/SUPPLIES - FEB'22	2,984.70
Check	03/03/2022	5134 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	4,441.03
	Invoice	Date	Description	Amount
	55Y1234436	12/09/2021	COPIER LEASE/SERVICE/SUPPLIES - 12/21 - 01/22	1,457.75
	55Y1238597	12/28/2021	COPIER LEASE/SERVICE/SUPPLIES - 01/22	989.00
	55Y1247238	01/31/2022	COPIER LEASE/SERVICE/SUPPLIES - 01/22	989.00
	55Y1249720	02/08/2022	COPIER LEASE/SERVICE/SUPPLIES - 01/01/2022-01/31/2022	645.27
	55Y1243115	01/18/2022	COPIER LEASE/SERVICE/SUPPLIES - 01/22	360.01
Check	03/03/2022	5135 Accounts Payable	KELLCO SERVICES INC	950.00
	Invoice	Date	Description	Amount
	2112-020131	01/31/2022	ASBESTOS TESTING	950.00
Check	03/03/2022	5136 Accounts Payable	KNORR SYSTEMS INC	308.00
	Invoice	Date	Description	Amount
	PWSVI-7068	12/28/2021	SILLIMAN POOL REPAIR AND MAINTENANCE	308.00
Check	03/03/2022	5137 Accounts Payable	LEAGUE OF CALIFORNIA CITIES	16,477.00
	Invoice	Date	Description	Amount
	641283	01/01/2022	MEMBERSHIP DUES FOR CY2022	16,477.00
Check	03/03/2022	5138 Accounts Payable	CHAMINADE RESORT AND SPA	16,111.84
	Invoice	Date	Description	Amount
	0307-030922	03/02/2022	TEAM BUILDING WORKSHOP - 03/07-03/09/21	16,111.84
Check	03/03/2022	5139 Accounts Payable	MICHAEL STEVEN YORKS	2,700.00
	Invoice	Date	Description	Amount
	2022-02	02/18/2022	BACKGROUND INVESTIGATIONS 01/27-02/19/22	2,700.00
Check	03/03/2022	5140 Accounts Payable	ANDREW MUSANTRY	724.32
	Invoice	Date	Description	Amount
	0207-020922EXP	03/02/2022	EXPENSE REIMBURSEMENT	421.10
	0215-021722EXP	03/02/2022	EXPENSE REIMBURSEMENT	303.22
Check	03/03/2022	5141 Accounts Payable	TODD NOBBE	1,643.35
	Invoice	Date	Description	Amount
	0321-032522ADV	03/02/2022	POST ARSON EXPLOSIVES COURSE ADV; 03/21-03/25/22	1,643.35

Check	03/03/2022	5142 Accounts Payable	PACIFIC GAS & ELECTRIC	132,394.63
	Invoice	Date	Description	Amount
	7578-021022	02/10/2022	PGE-CITYWIDE ELECTRICITY 02/10/2022	61,120.93
	0870-020422	02/04/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (12/30/21-1/28/22)	66.61
	8272-020222	02/02/2022	PD - ELECTRICITY CHARGES JAN 2022	48,411.19
	7786-021822	02/18/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (1/14/22-2/14/22)	22,795.90
Check	03/03/2022	5143 Accounts Payable	PAKPOUR CONSULTING GROUP, INC.	12,432.01
	Invoice	Date	Description	Amount
	3721	02/08/2022	ON CALL CIVIL ENGINEERING PLAN REVIE SERVICES (1/1/22-1/31/21)	12,432.01
Check	03/03/2022	5144 Accounts Payable	PROVIDENT LIFE & ACCIDENT INSURANCE	261.24
	Invoice	Date	Description	Amount
	FEB 2022	03/03/2022	UNUM - UNUM INSURANCE*	261.24
Check	03/03/2022	5145 Accounts Payable	QUADIENT FINANCE USA, INC.	1,000.00
	Invoice	Date	Description	Amount
	4857-021322	02/13/2022	POSTAGE	1,000.00
Check	03/03/2022	5146 Accounts Payable	MOTIF - ART LLC DBA YOUNG REMBRANDTS	227.50
	Invoice	Date	Description	Amount
	0105-02162022	02/17/2022	PAYMENT FOR ELEMENTARY DRAWING 1/5-2/16/22	227.50
Check	03/03/2022	5147 Accounts Payable	SAN MATEO REGIONAL NETWORK INC	20.00
	Invoice	Date	Description	Amount
	23942	02/10/2022	DNS SERVICE - 02/22	20.00
Check	03/03/2022	5148 Accounts Payable	SHI INTERNATIONAL CORP.	13,251.13
	Invoice	Date	Description	Amount
	B14400799	11/22/2021	DISPATCH COMPUTERS	13,251.13
Check	03/03/2022	5149 Accounts Payable	PATRICK SMITH	262.17
	Invoice	Date	Description	Amount
	021921EXP	03/02/2022	EXPENSE REIMBURSEMENT	262.17
Check	03/03/2022	5150 Accounts Payable	SMITH & SONS ELECTRIC, INC.	1,191.47
	Invoice	Date	Description	Amount
	22007	02/17/2022	FIRE STATION 27 - LIGHTS	1,191.47
Check	03/03/2022	5151 Accounts Payable	STAPLES	38.39
	Invoice	Date	Description	Amount
	8065094049	03/03/2022	OFFICE SUPPLIES	38.39
Check	03/03/2022	5152 Accounts Payable	STATE OF CALIFORNIA	1,259.61
	Invoice	Date	Description	Amount
	PPE 2.19.22	02/25/2022	GARNISH - WAGE GARNISHMENT CASE# 624448511	1,259.61
Check	03/03/2022	5153 Accounts Payable	LEHR	1,288.79
	Invoice	Date	Description	Amount
	SI68872	12/16/2021	OUTFITTING OF SGT VEH	1,288.79

Check	03/03/2022	5154 Accounts Payable	TEMPERATURE TECHNOLOGY INC.	355.00

Invoice	Date	Description	Amount
1021-1425	02/09/2022	HVAC REPAIRS	355.00

Check	03/03/2022	5155 Accounts Payable	TIREHUB, LLC	3,091.88

Invoice	Date	Description	Amount
24362769	12/07/2021	TIRES - BR DUEL	908.73
24242023	12/01/2021	TIRES - FS ALL SEASON	430.22
24250404	12/01/2021	TIRES - GY EAGLE ENFORCER	1,752.93

Check	03/03/2022	5156 Accounts Payable	SHANNON TODD	1,683.15

Invoice	Date	Description	Amount
0120-012222EXP	03/02/2022	EXPENSE REIMBURSEMENT	905.35
0110-011222EXP	03/02/2022	EXPENSE REIMBURSEMENT	777.80

Check	03/03/2022	5157 Accounts Payable	SHAWN TORRES	328.32

Invoice	Date	Description	Amount
1206-120821EXP	03/02/2022	EXPENSE REIMBURSEMENT	328.32

Check	03/03/2022	5158 Accounts Payable	TYLER TECHNOLOGIES, INC.	1,664.00

Invoice	Date	Description	Amount
045-367438	01/26/2022	TIMEKEEPING AND ADVANCE SCHEDULING IMPLEMENTATION - 01/10-01/20	1,304.00
045-367439	01/26/2022	ERP IMPLEMENTATION - FM, HR, ESUITE 01/19/22	360.00

Check	03/03/2022	5159 Accounts Payable	UTILITY TELECOM GROUP, LLC	41,992.65

Invoice	Date	Description	Amount
DEC '21	12/16/2021	VOIP/TELEPHONE/INTERNET SERVICE - DEC '21	19,133.47
JAN '22	01/16/2022	TELEPHONES VOIP/WAN - JAN 2022	18,356.72
FC 680	04/01/2021	FINANCE CHARGES	20.29
FC 725	05/03/2021	FINANCE CHARGES	24.05
FC 770	06/01/2021	FINANCE CHARGES	30.22
FC 883	07/07/2021	FINANCE CHARGES	151.89
15375	07/15/2021	TECH LABOR & CABLE PACK	1,416.08
15454	08/09/2021	RELOCATE COMCAST EQUIPMENT	445.00
15665	09/30/2021	CABLE INSTALL	302.23
FC 931	10/04/2021	FINANCE CHARGES	12.29
FC 932	10/04/2021	FINANCE CHARGES	56.57
FC 1021	01/17/2022	FINANCE CHARGES	16.25
FC 1022	01/17/2022	FINANCE CHARGES	23.04
FC 1023	01/17/2022	FINANCE CHARGES	135.93
FC 930	10/04/2021	FINANCE CHARGES	613.80
FC 628	03/05/2021	FINANCE CHARGES	45.91
15604	09/30/2021	TECH LABOR & CABLE PACK	1,208.91

Check	03/03/2022	5160 Accounts Payable	VAN DERMYDEN MAKUS LAW CORPORATION	6,849.72

Invoice	Date	Description	Amount
19859	02/08/2022	INVESTIGATION SERVICES FEES MATTER 02201	6,849.72

Check	03/03/2022	5161 Accounts Payable	JOYCE WANG	429.69

Invoice	Date	Description	Amount

	0215-021722EXP	03/02/2022	EXPENSE REIMBURSEMENT	429.69
Check	03/03/2022	5162 Accounts Payable	CHRISTI WAYBRIGHT	606.51
	Invoice	Date	Description	Amount
	1206-121021EXP	03/02/2022	EXPENSE REIMBURSEMENT	606.51
Check	03/03/2022	5163 Accounts Payable	ZOOM VIDEO COMMUNICATIONS, INC.	10,894.00
	Invoice	Date	Description	Amount
	Q1180626	02/02/2022	WEBINARS & ONLINE MEETINGS	10,894.00
Check	03/03/2022	5164 Accounts Payable	ZUMAR INDUSTRIES	7,237.38
	Invoice	Date	Description	Amount
	95749	02/10/2022	SIGN SUPPLIES	7,237.38
Check	03/03/2022	5165 Accounts Payable	ABOVE ALL PLUMBING INC.	1,000.00
	Invoice	Date	Description	Amount
	2022-3410	02/23/2022	ENCP2022-0004 RFND	1,000.00
Check	03/03/2022	5166 Accounts Payable	AMEC FOSTER WHEELER	1,000.00
	Invoice	Date	Description	Amount
	186916	02/23/2022	ENCP2018-0121 RFND	1,000.00
Check	03/03/2022	5167 Accounts Payable	CARLSON , MARGARITE	1,000.00
	Invoice	Date	Description	Amount
	2021-2842	02/23/2022	ENCP2020-0137 RFND	1,000.00
Check	03/03/2022	5168 Accounts Payable	DOLOROSA BARTIDO-CARDONA DMD, INC	13.00
	Invoice	Date	Description	Amount
	BL#104963	03/02/2022	BUSINESS LICENSE PENALTY REFUND	13.00
Check	03/03/2022	5169 Accounts Payable	HP COMMUNICATIONS INC.	1,466.00
	Invoice	Date	Description	Amount
	2022-2409	02/23/2022	ENCP2021-0300 RFND	1,466.00
Check	03/03/2022	5170 Accounts Payable	HP COMMUNICATIONS INC.	2,300.00
	Invoice	Date	Description	Amount
	2022-2411	02/23/2022	ENCP2021-0319 RFND	2,300.00
Check	03/03/2022	5171 Accounts Payable	LARRIETA SANITATION CONSTRUCTION	1,000.00
	Invoice	Date	Description	Amount
	2021-1023	02/23/2022	ENCP2020-0092 RFND	1,000.00
Check	03/03/2022	5172 Accounts Payable	MONARCH PLUMBING AND ROOTER INC	1,000.00
	Invoice	Date	Description	Amount
	2021-2045	02/23/2022	ENCP2020-0124 RFND	1,000.00
Check	03/03/2022	5173 Accounts Payable	MONARCH PLUMBING AND ROOTER INC	1,000.00
	Invoice	Date	Description	Amount
	2021-2439	02/23/2022	ENCP2020-0132 RFND	1,000.00
Check	03/03/2022	5174 Accounts Payable	MURIETA OWNERS ASSOCIATION	1,000.00
	Invoice	Date	Description	Amount

	2021-1448	02/23/2022	ENCP2020-0107 RFND		1,000.00
Check	03/03/2022	5175 Accounts Payable	PRO ROOTER INC.		1,000.00
	Invoice	Date	Description		Amount
	2021-659	02/23/2022	ENCP2020-0085 RFND		1,000.00
Check	03/03/2022	5176 Accounts Payable	STAR ROOTER & PLUMBING		1,000.00
	Invoice	Date	Description		Amount
	2021-4103	02/23/2022	ENCP2021-0135 RFND		1,000.00
Check	03/03/2022	5177 Accounts Payable	STREAMLINE PLUMBING & DRAIN CO		1,000.00
	Invoice	Date	Description		Amount
	195514	02/23/2022	ENCP2019-0095 RFND		1,000.00
Check	03/03/2022	5178 Accounts Payable	THOMAS , RICH		1,000.00
	Invoice	Date	Description		Amount
	2021-1102	02/23/2022	ENCP2020-0102 RFND		1,000.00
EFT	03/03/2022	224 Accounts Payable	SPECTRUM SMALL BUSINESS SERVICES, LLC	083009060 / 3915155055	1,500.00
	Invoice	Date	Description		Amount
	2203-ARPA	01/28/2022	CONSULTING & REFERRALS TO BUSINESS SUPPORT AGENCIES-ARPA RELATED		1,500.00
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 83		$1,297,493.82

Checks:	82	$1,295,993.82
EFTs:	1	$1,500.00

LIVE Newark CA LIVE

Void Payment - Reissue Check Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 03/10/2022

Original Type	Original Date	Original Number Source	Payee Name	EFT Bank/Account	Reissue Type	Reissue Number	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE							
Check	11/18/2021	4403 Accounts Payable	BRIGHTWHEEL		Check	5179	745.00
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 1				$745.00
	Checks:	1	$745.00				

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 03/10/2022

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE					
Check	03/10/2022	5180 Accounts Payable	ALLIANT INSURANCE SERVICES		3,995.00
	Invoice	Date	Description		Amount
	1887362	02/16/2022	2022-2023 UAV INSURANCE POLICY RENEWAL		3,995.00
Check	03/10/2022	5181 Accounts Payable	BAILEY FENCE COMPANY INC		825.00
	Invoice	Date	Description		Amount
	81931	02/16/2022	FENCE INSTALLATION AT PD		825.00
Check	03/10/2022	5182 Accounts Payable	BAY CENTRAL PRINTING		64.27
	Invoice	Date	Description		Amount
	191012	02/17/2022	FY 21/22 STAFF BUSINESS CARD ORDERS		64.27
Check	03/10/2022	5183 Accounts Payable	BURTON'S FIRE INC		48.77
	Invoice	Date	Description		Amount
	S55726	02/14/2022	FIRE TRUCK PARTS-SWITCH		48.77
Check	03/10/2022	5184 Accounts Payable	CLASSIC GRAPHICS		3,559.51
	Invoice	Date	Description		Amount
	45961	02/04/2022	FLEET SERVICE AND MAINT		2,103.15
	45671	11/23/2021	OUTFITTING FORD EXPLORER		1,456.36
Check	03/10/2022	5185 Accounts Payable	BRYAN COBB		153.97
	Invoice	Date	Description		Amount
	0209-022522EXP	03/02/2022	EXPENSE AND MILEAGE REIMBURSEMENT		153.97
Check	03/10/2022	5186 Accounts Payable	COMCAST		26.70
	Invoice	Date	Description		Amount
	0228-032722YARD	02/23/2022	CABLE SERVICE 02/28/2021-03/27/2021		26.70
Check	03/10/2022	5187 Accounts Payable	DAILY JOURNAL CORPORATION		397.50
	Invoice	Date	Description		Amount
	B3544798	01/19/2022	LEGAL ADVERTISING - PROJECT 1146		397.50
Check	03/10/2022	5188 Accounts Payable	DALE HARDWARE		241.59
	Invoice	Date	Description		Amount
	FEB' 22	02/25/2022	DALE PARTS AND SUPPLIES 02/25/2022		241.59
Check	03/10/2022	5189 Accounts Payable	DELTA DENTAL OF CALIFORNIA		16,103.58

	Invoice	Date	Description	Amount
	BE004841263	03/03/2022	ACCT# 05-1091100000 - MARCH 2022 PREMIUMS	16,103.58
Check	03/10/2022	5190 Accounts Payable	DELTA DENTAL INSURANCE COMPANY	100.86
	Invoice	Date	Description	Amount
	BE004839398	03/01/2022	ACCT# 05-7201200064 - MARCH 2022 PREMIUMS	100.86
Check	03/10/2022	5191 Accounts Payable	ALHAMBRA	197.15
	Invoice	Date	Description	Amount
	15734365 021322	02/13/2022	MONTHLY WATER SERVICE	197.15
Check	03/10/2022	5192 Accounts Payable	EAST BAY LAWN MOWER	217.74
	Invoice	Date	Description	Amount
	37005	03/01/2022	SMALL EQUIPMENT PARTS AND SUPPLIES	210.00
	37029	03/01/2022	SMALL EQUIPMENT REPAIR	7.74
Check	03/10/2022	5193 Accounts Payable	ECS IMAGING, INC.	3,750.00
	Invoice	Date	Description	Amount
	16589	01/03/2022	LASERFICHE RENEWAL 02/03/22-02/02/23	3,750.00
Check	03/10/2022	5194 Accounts Payable	FIDELITY SECURITY LIFE INSURANCE/EYEMED	2,072.51
	Invoice	Date	Description	Amount
	165169898	03/03/2022	GROUP ID 9701236 - MARCH 2022 PREMIUMS	2,072.51
Check	03/10/2022	5195 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.	33,064.00
	Invoice	Date	Description	Amount
	E 196090	01/01/2022	TREE MAINTENANCE: JAN 2022	16,532.00
	E 196782	02/01/2022	TREE MAINTENANCE: FEB 2022	16,532.00
Check	03/10/2022	5196 Accounts Payable	GHD INC.	240.00
	Invoice	Date	Description	Amount
	380-0007970	02/01/2022	ON CALL TRAFFIC ENGINEERING SERVICES (THROUGH 1/29/22)	240.00
Check	03/10/2022	5197 Accounts Payable	GRAINGER	303.30
	Invoice	Date	Description	Amount
	9198033111	02/01/2022	SILLIMAN MOTOR	303.30
Check	03/10/2022	5198 Accounts Payable	IDN WILCO INC	140.54
	Invoice	Date	Description	Amount
	9716350-00	02/23/2022	BLDG SUPPLIES - REPLACEMENT PADLOCKS	140.54
Check	03/10/2022	5199 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	379.16
	Invoice	Date	Description	Amount
	55Y1251886	02/16/2022	COPIER LEASE/SERVICE/SUPPLIES - 1/22-2/21/22	379.16
Check	03/10/2022	5200 Accounts Payable	LIEBERT CASSIDY WHITMORE	1,872.00
	Invoice	Date	Description	Amount
	212388	01/31/2022	LEGAL SERVICES	39.00
	212413	01/31/2022	LEGAL SERVICES	1,833.00
Check	03/10/2022	5201 Accounts Payable	MACQUARIE EQUIPMENT CAPITAL INC.	822.22

	Invoice	Date	Description	Amount
	22727	02/01/2022	CMO & PD RECORDS COPIER AND HP PRINTERS - 01/24-02/23/22	822.22
Check	03/10/2022	5202 Accounts Payable	MAKAI SOLUTIONS	1,180.10
	Invoice	Date	Description	Amount
	2188	02/15/2022	LIFT REPAIR AND MAINT	1,180.10
Check	03/10/2022	5203 Accounts Payable	MANUEL FERNANDEZ CONSTRUCTION	827.54
	Invoice	Date	Description	Amount
	2020105	10/22/2021	PAINT COUNCIL CHAMBERS BACK WALL, PROJECT 1188	827.54
Check	03/10/2022	5204 Accounts Payable	MNS ENGINEERS INC	19,955.00
	Invoice	Date	Description	Amount
	79818	02/17/2022	ON CALL PUBLIC WORKS INSPECTIONS (1/1/22-1/31/22)	19,955.00
Check	03/10/2022	5205 Accounts Payable	NAVIA BENEFIT SOLUTIONS CLIENT PAY	105.70
	Invoice	Date	Description	Amount
	10438898	02/28/2022	FY 21/22 COBRA ADMINISTRATION FEES 02/22	105.70
Check	03/10/2022	5206 Accounts Payable	NEWARK VALERO #7117	9,211.33
	Invoice	Date	Description	Amount
	1204-021022	02/11/2022	VALLERO FUEL 12/04/22-02/10/22	9,211.33
Check	03/10/2022	5207 Accounts Payable	PACIFIC GAS & ELECTRIC	2,647.66
	Invoice	Date	Description	Amount
	7460-021422	02/14/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (12/25/21-1/25/22)	2,647.66
Check	03/10/2022	5208 Accounts Payable	SFPUC	3,552.01
	Invoice	Date	Description	Amount
	50190	02/23/2022	RENT WATER AC# 2866 03/22	2,665.18
	50162	02/23/2022	RENT WATER AC# 3642 03/22	886.83
Check	03/10/2022	5209 Accounts Payable	WILLE ELECTRIC SUPPLY CO., INC	1,026.32
	Invoice	Date	Description	Amount
	S2058456.001	12/06/2021	LIGHT BULBS	1,026.32
Check	03/10/2022	5210 Accounts Payable	SESAC	1,025.00
	Invoice	Date	Description	Amount
	10533020	01/01/2022	MUSIC LICENSE FEE 01/01-12/31/22	1,025.00
Check	03/10/2022	5211 Accounts Payable	SIMON & COMPANY INC	1,720.00
	Invoice	Date	Description	Amount
	02-2022	02/28/2022	LEGISLATIVE SERVICES 02/22	1,720.00
Check	03/10/2022	5212 Accounts Payable	SONITROL	2,118.00
	Invoice	Date	Description	Amount
	1371794-IN	09/02/2021	QUARTERLY MONITORING OCT-DEC 2021	1,059.00
	1366688-IN	06/01/2021	QUARTERLY MONITORING JUL-SEPT 2021	1,059.00
Check	03/10/2022	5213 Accounts Payable	LEHR	488.99
	Invoice	Date	Description	Amount
	SI65889	09/23/2021	FLEET SERVICE - 2021 FORD	488.99

Check	03/10/2022	5214 Accounts Payable	HINDERLITER DE LLAMAS & ASSOCIATES	26,364.67

Invoice	Date	Description	Amount
SIN014613	02/10/2022	SALES TAX AUDIT SERVICES Q3/2021	26,364.67

Check	03/10/2022	5215 Accounts Payable	U.S. BANK CORPORATE PAYMENT SYSTEMS	23,952.44

Invoice	Date	Description	Amount
022222STMT	02/22/2022	CC PAYMENT 02/22/22	23,952.44

Check	03/10/2022	5216 Accounts Payable	VERIZON WIRELESS	6,615.91

Invoice	Date	Description	Amount
9899815965	02/18/2022	CELL/TABLET/WIFI SERVICE 01/19-02/18/22	6,615.91

Check	03/10/2022	5217 Accounts Payable	VICTOR STANLEY, INC.	4,880.46

Invoice	Date	Description	Amount
SI49825	01/31/2022	BOLLARDS ON NEWARK AT CIVIC CENTER PLAZA, PROJECT 1188	4,880.46

Check	03/10/2022	5218 Accounts Payable	VISTA UNIVERSAL INC	3,119.35

Invoice	Date	Description	Amount
T511004	01/21/2022	MAYHEWS LANDING LIGHTS	398.75
T511000	01/21/2022	ASH STREET PARK LIGHTS	267.50
T511002	01/21/2022	BIRCH GROVE LIGHTS	2,453.10

Check	03/10/2022	5219 Accounts Payable	WEST COAST ARBORISTS INC	10,308.90

Invoice	Date	Description	Amount
181696	01/15/2022	TREE MAINTENANCE: 01/01-01/15/22	2,509.10
181695	01/15/2022	STREET TREE MAINTENANCE 01/01-01/15/2022	7,799.80

AP ZBA ACCOUNTS PAYABLE Totals:		Transactions: 40	$187,674.75
Checks:	40	$187,674.75	

STAFF REPORT

Item D. 2.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Approval of March 10, 2022, special and regular meeting minutes

Attachments

Regular Meeting Minutes
Special Meeting Minutes

Minutes

Thursday, March 10, 2022
7:00 P.M.

A. ROLL CALL

Vice Mayor Hannon called the meeting to order at 7:12 p.m. Present were Council Members Collazo, and Bucci. Mayor Nagy and Council Member Freitas were noted absent.

B. PRESENTATIONS

C. PUBLIC COMMENT

No one requested to speak.

D. CONSENT CALENDAR

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar items D.1 through D.5, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 3 AYES, 2 ABSENT (Nagy and Freitas).

1. Approval of Audited Demands

2. Approval of February 24, 2022, minutes

3. Adopt a resolution authorizing the City Manager to execute an amendment to the Consulting Services Agreement with Robert Half International Inc. to increase the not-to-exceed compensation for temporary staffing support to the Information Systems Division
Resolution No. 11322
Contract No. 21054

4. Adopt a Resolution Amending the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2021-2022 for Capital Improvement Plan Budget Rollovers
Resolution No. 11323

5. Adopt a Resolution Approving Amendments to the Contractual Services Agreements with 4Leaf, Inc. and Bureau Veritas North America, Inc. for Additional Building Inspection Division Plan Review, Field Inspection and Miscellaneous Support Services
Resolution No. 11324
Contract No. 20059 4Leaf, Inc.
Contract No. 20058 Bureau Veritas North America, Inc.

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Introduction of an ordinance adding Chapter 7.24, Fireworks Social Host Ordinance, to the Newark Municipal Code to increase penalties an enforcement authority related to illegal use of fireworks
Ordinance Introduced

City Manager Benoun provided the history of fireworks in Newark. Police Chief Anderson reviewed the increase in fireworks complaints in 2021, the difficulties in identifying violators, and recommended the introduction of an ordinance that would establish strict liability for hosts that allow illegal fireworks usage on their property. The ordinance would allow citations of up to $1,000 per violation. Presentation on file with City Clerk.

No one requested to speak.

Council Member Bucci suggested using drones to identify illegal fireworks in backyards. Police Chief Anderson stated she would need to research the legalities of that idea and the durability of drones if the fireworks were aimed at the drones.

Council Member Hannon requested that the outreach be conducted in multiple languages.

Council Member Bucci moved, Council Member Collazo seconded, to introduce by title, an ordinance adding chapter 7.24, Fireworks Social Host Ordinance to

the Newark Municipal Code to increase penalties related to illegal fireworks. The motion passed, 3 AYES, 2 ABSENT (Nagy and Freitas)

G. CITY COUNCIL MATTERS

Council Member Collazo stated that her heart is broken over Russia's invasion of Ukraine and that the Ukrainians need our support. Shop Newark

Council Member Bucci stated that the Project Homekey community meeting went well and thanked Community Development Director Turner and Lieutenant Sal Sandoval for their efforts. He agreed with Council Member Collazo's comments on Ukraine.

Vice Mayor Hannon stated that 125 attendees watched the Project Homekey meeting. He noted that it is expensive to live in Newark so it is our responsibility to provide affordable housing. He agreed with the comments on Ukraine. He extended best wishes to Mayor Nagy.

H. CLOSED SESSION

I. ADJOURNMENT

Vice Mayor Hannon adjourned the meeting at 7:45 p.m.

Minutes
Special Meeting
Thursday, March 10, 2022

A. ROLL CALL

Vice Mayor Hannon called the meeting to order at 5:04 p.m. Present were Council Members Collazo and Bucci. Mayor Nagy and Council Member Freitas were noted absent.

B. CITY MANAGER REPORTS

1. Work Session for 2022-2024 Biennial Budget

City Manager Benoun and Finance Director Lee gave the presentation focusing on COVID-19 pandemic's impact on the budget, additional issues impacting the budget such as the Utility Users Tax, labor agreements, and increased residential construction, the budget process, economic trends and inflation, financial updates and the Five-Year Forecast, CalPERS, department priorities for 2022-2024 and the next steps in the budget process. Presentation on file in City Clerk's office.

No one requested to speak.

Council Member Collazo suggested making the Promotores staff full time.

Council Member Bucci suggest exploring a vacancy fee, citing the Orchard Supply Hardware Building as an example of a long term vacant building.

This item was informational only.

C. ADJOURNMENT

Vice Mayor Hannon adjourned the meeting at 6:49 p.m.

STAFF REPORT

Item D. 3.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Kristopher Kokotaylo, Interim City Attorney
SUBJECT	Adopt an ordinance adding Chapter 7.24, Fireworks Social Host Ordinance, to the Newark Municipal Code to increase penalties an enforcement authority related to illegal use of fireworks

RECOMMENDATION

Staff recommends that the City Council waive further reading and adopt an ordinance adding Chapter 7.24, Fireworks Social Host Ordinance, to the Newark Municipal Code.

EXECUTIVE SUMMARY

On March 10, 2022, the City Council introduced an ordinance adding Chapter 7.24, Fireworks Social Host Ordinance, to the Newark Municipal Code. The Proposed Ordinance establishes strict liability for social hosts that allow the deployment of illegal fireworks on their property or at their hosted gatherings and authorizes the City to issue administrative citations of up to $1,000 per violation. The Proposed Ordinance will take effect 30 days after adoption by the City Council.

BACKGROUND

Historic Background:

The City of Newark is one of three cities in Alameda County that allows the sale and use of safe and sane fireworks to celebrate the 4th of July holiday. The Newark Municipal Code contains regulations that govern the sale and use of fireworks, including the dates that authorized organizations can sell, and when individuals can use, fireworks.

In the early 2000's, in response to increasing illegal fireworks activity that was taking place within Newark at the time, the City Council directed the formation of a Fireworks Task Force. The Fireworks Task Force developed an Action Plan that included several measures aimed at reducing the use of illegal fireworks, including closing parks on July 4th after 7:30 p.m., activating a firework's hotline, increasing police staffing levels, and adopting a zero tolerance policy for the illegal use of fireworks.

There are currently 10 fireworks booth permits within the City. The total number of fireworks booths permits decreases whenever an organization: 1) chooses to not renew a previously issued permit; 2) is deemed ineligible for a fireworks booth permit;

or 3) no longer meets the requirements for issuance of a fireworks booth permit.

Despite the limited number of fireworks booth permits, existing regulations, and other enforcement efforts, which is further explained below, the illegal use of fireworks persists during the 4th of July holiday.

2021 4th of July:

Police Department Enforcement.

The Police Department experienced a 40% increase in overall fireworks calls for service from January 1st through July 4th in 2021 vs. the same time frame in 2020. As a result of the increased calls for service and community concerns, the Police Department emphasized enforcement (citations), rather than education, in its efforts.

The Police Department, working in conjunction with the Public Works Department and the Alameda County Fire Department ("ACFD"), annually prepares an operation to respond to calls for service throughout the City and to ensure the proper and safe disposal/disposition of illegal fireworks that are seized. In 2021, the 4th of July operational period began at 6 p.m. on July 4 and ended at 1 a.m. on July 5, 2021 (the "Operational Period").

During the Operational Period, the Police Department received a total of 139 calls for service with 104 fireworks related calls for service. There were 60 warnings issued and 6 criminal citations issued for either violations of the Newark Municipal Code or the California Health and Safety Code. Of the 6 citations issued, two were for criminal misdemeanor violations of California Health and Safety Code Section 12677 (illegal possession of dangerous fireworks) and four were traffic court citations for violation of Newark Municipal Code Section 15.17.020 (illegal fireworks). The District Attorney declined to prosecute both misdemeanor citations and of the four traffic court citations, one suspect has paid a $280 fine while the other traffic court citations are awaiting court dates.

In addition to the citations, officers also confiscated an assortment of aerial mortars, rocket-type aerials, M-80's and other illegal fireworks overfilling two 55-gallon barrels.

Fire Department Calls for Service

In preparation for the 2021 July 4th Holiday, ACFD staffed one additional fire engine and one additional Battalion Chief for a total of three fire engines, one fire truck, and two battalion chiefs. ACFD was dispatched to 9 fires in total -- 2 residential, 2 dumpster/trashcan fires, and 5 outside fires, presumably related to legal and/or illegal fireworks.

DISCUSSION/ANALYSIS

Proposed Social Host Ordinance:

On March 10, 2022, the City Council voted to introduce the Social Host Fireworks Ordinance (the “Proposed Ordinance”). The Proposed Ordinance would make property owners, or individuals that control the property (for example through a lease or rental agreement), strictly liable for illegal fireworks activity occurring on their property or at their gatherings. Strict liability is a legal standard that does not depend on actual negligence or intent to harm to create liability, but is based on the breach an absolute duty to make something safe. Generally, traffic offenses and offenses related to hazardous activities are strict liability offenses.

The Proposed Ordinance would create liability for property owners that host gatherings or shield individuals that utilize illegal fireworks. In the event that a property owner rents or leases the property to another individual, is not present, and had no prior knowledge of the violation, the City could proceed with enforcement against the responsible party. A violation of the Proposed Ordinance is a misdemeanor that allows the City to issue administrative fines of up to $1,000. Staff intends to use administrative enforcement to enforce the Proposed Ordinance and intends to issue administrative fines at the full $1,000 amount for each violation.

FISCAL IMPACT

There is no direct fiscal impact with adopting the Proposed Ordinance. To the extent that the City issues administrative fines for violations of the Proposed Ordinance, the City may see some revenue from that effort.

REVIEW AND APPROVAL

Prepared by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

Attachments

Fireworks Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK ADDING CHAPTER 7.24, FIREWORKS, TO THE NEWARK MUNICIPAL CODE TO INCREASE PENALTIES RELATED TO ILLEGAL FIREWORKS

WHEREAS, the City of Newark allows the sale and use of Safe and Sane Fireworks, as defined and classified in Sections 12529 and 12562 of the Health and Safety Code, around the Fourth of July holiday; and

WHEREAS, the sale and use of Safe and Sane Fireworks is regulated by the City; and

WHEREAS, the use of illegal fireworks poses a significant public health, safety, and welfare risks to those that discharge the illegal fireworks as well as members of the public in the surrounding areas; and

WHEREAS, the use of illegal fireworks creates a significant fire danger, which is exacerbated by ongoing drought conditions within the City; and

WHEREAS, the use of illegal fireworks has increased significantly over recent years, which has increased the significant public health, safety, and welfare risks such fireworks cause; and

WHEREAS, the City Council desires to increase the penalties for illegal fireworks by classifying such conduct as a misdemeanor and increasing the maximum fine for violations; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

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

SECTION 2. Addition of Chapter 7.24.

Chapter 7.24, Fireworks, is added to the Newark Municipal Code to read as follows:

"Chapter 7.24 Fireworks Social Host Ordinance.

Section 7.24.010 Definitions.

The following definitions shall apply to this Chapter

A. “Safe and Sane Fireworks” means those fireworks defined and classified in Sections 12529 and 12562 of the Health and Safety Code, as those sections may be amended from time to time.

B. “Social host” means any of the following:

1. Any owner of private property as listed on the most recent Alameda County assessment roll;
2. Any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract; or
3. Any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.

C. “Strictly liable” means liability for a wrongful act irrespective of such person’s intent, knowledge, negligence or lack thereof in committing the wrongful act.

Section 7.24.020 Use.

Fireworks other than Safe and Sane Fireworks are prohibited. Except as permitted by the City, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode, or allow the use on their property or property under their control, any fireworks except Safe and Sane Fireworks.

Section 7.24.030 Social Host Liability

Any Social Host shall be Strictly Liable for any unlawful ignition, use, discharge or display of any dangerous fireworks, or Safe and Sane Fireworks in violation of this Code, at their property or gathering; except that:

A. No owner of private property shall be liable under this Section for a violation of this Chapter if the property owner can demonstrate that at the time of such violation they:

1. had rented or leased the property to another,
2. were not present, and
3. had no prior knowledge of the violation.

B. No person who has the right to use, possess or occupy a unit in a multifamily residential property under a lease, rental agreement or contract shall be liable under this Section for violations of this Chapter occurring in the common areas of the property.

Section 7.24.040 Penalty.

A. Any person or entity who violates this Chapter shall be guilty of a misdemeanor, punishable by any remedy authorized by this Municipal Code or applicable law, at the election of the City.

B. Notwithstanding anything in this Code to the contrary, a violation of this Chapter may be punishable by a fine of up to one thousand ($1,000) per violation. For the purposes of

this Section, each use or discharge of a firework in violation of this Chapter shall be a separate violation.

C. A fine for violating this section may be issued to administratively in accordance with Chapter 7.18 (Administrative Citations) and any person receiving a fine pursuant to this section shall be entitled to the hearing procedures contained therein.

SECTION 3. Severability

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

SECTION 4. CEQA.

Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. Publication and effective date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

STAFF REPORT

Item D. 4.

DATE	03/24/2022
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, December 9, 2021, and January 27, 2022.

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, December 9, 2021, and January 27, 2022.

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 “Omicron” 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 (March 15, 2022) there have been 255,607 confirmed cases within the County, with 7,909 of those cases being Newark residents. To date, there have been 1,804 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, on January 27, 2022, 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, the recitals contained in Resolution No. 11281 adopted by the City Council on December 9, 2021, and the recitals contained in Resolution No. 11305 adopted by the City Council on January 27,

2022 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 255,607 confirmed cases of COVID-19 within the County, and 1,804 deaths as of March 15, 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. 5.

DATE	03/24/2022
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 March 24 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 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 February 24, 2022.

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 February 24, 2022.

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. 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. Currently, state and local officials strongly recommend wearing masks indoors. State officials further recommend the use of masks when social distancing is not possible.

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 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;
· The CDC recommends social distancing of at least six feet due to COVID-19, and CalOSHA recommends social distancing under certain circumstances and maintaining six feet of distance can avoid close contacts requiring quarantine;
· The Delta and Omicron variants 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.

Pursuant to AB 361, the City Council is required 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 March

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 MARCH 24 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 CalOSHA recommends social distancing under certain circumstances and maintaining six feet of distance can avoid close contacts requiring quarantine. State and local officials currently strongly recommend wearing masks indoors and state officials further recommend the use of masks when social distancing is not possible; 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 number of cases due to the Delta and Omicron variants 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 it's 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 and Omicron variants, 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. 6.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Steven Turner, Community Development Director
SUBJECT	Adopt a Resolution Authorizing the City Manager to Execute the First Amendment to the Contractual Services Agreement with 4Leaf Inc. to Provide Temporary Professional Planning Services

RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the City Manager to execute the first amendment to the Contractual Services Agreement with 4Leaf Inc., to provide temporary professional planning services.

EXECUTIVE SUMMARY

The City has relied upon professional consultants to provide services and experience that City staff are unable to provide and to increase capacity during busy periods or when staff resources are low. In August 2021, the City entered into a Contractual Service Agreement (CSA) with 4Leaf Inc. in the amount of $110,000.00 to provide temporary professional planning services in order to complete necessary tasks. 4Leaf has provided these services since September 2021. The current contract would allow 4Leaf to provide services through the beginning of April 2022, but the need for these services will extend at least through the end of Fiscal Year 2022. Staff recommends that the City amend the existing CSA to increase the “not-to-exceed” amount by $45,000.00 for an amended total of $155,000.00. The scope of services would remain the same. This increase can be accommodated within the existing Fiscal Year 2022 Planning Division Professional Services budget. Staff is evaluating the need for these services as part of the 2022-2024 Biennial Budget.

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 capacity during busy periods or when staff resources are low. For example, the city currently has several contractual services agreements with consultants for on-call professional city planning services, as well as Public Works construction inspection and civil engineering development plan review services. These consultant services agreements provide the City with flexibility to address service and experience needs while maintaining high customer service levels in an efficient manner.

In August 2021, the City entered into a Contractual Service Agreement (CSA) with 4Leaf Inc. in the amount of $110,000.00 (a value representing approximately 1,050 hours) to provide temporary professional planning services in order to meet services needs to perform critical customer service and plan review functions. 4Leaf staff has provided these services since September 2021. The current contract would allow 4Leaf to provide services through the beginning of April 2022.

DISCUSSION/ANALYSIS

The need for entry-level staff capacity continues for the Community Development Department (CDD). In September 2021, the Associate Planner resigned, leaving the two-remaining staff (Community Development Director and Deputy Community Development Director) to perform current and long-range planning activity within the Planning Division. The 4Leaf staff assigned to assist Newark provides customer services and plan review functions. These functions would have been difficult for the two remaining staff to perform and achieve the high services levels that are expected by the community. In February 2022, a new Associate Planner was hired, which increased staff capacity. The 4Leaf consultant continues to provide staff capacity that is required to maintain CDD service levels during the period of staff transition. However, it is expected that the current three-person team will remain near or above its capacity to review the numerous building permit requests and project applications for single-family homes and accessory dwelling units.

Staff recommends that the City amend the existing CSA to increase the “not-to-exceed” amount by $45,000.00 (a value representing approximately 428 hours) thereby extending the services beyond April 2022. The scope of services would remain the same. Examples of services include responding to inquiries regarding technical planning matters at the public counter, responding to phone and/or email inquiries, processing entitlement applications, and completing building permit plan checks. The amendment would provide 4Leaf consultant services approximately through the end of the fiscal year. Staff is evaluating the need for entry-level staff as part of the 2022-2024 Biennial Budget.

FISCAL IMPACT

The total not-to-exceed amount for the first amendment would be increased by $45,000.00 for total not-to-exceed amount of $155,000.00. The costs for this service can be accommodated in the 2020-2022 Biennial Budget in fiscal year 2021-2022 for Planning Division Professional Services. The agreement and first amendment were prepared in accordance with the City’s Purchasing Rules and Regulations.

ENVIRONMENTAL REVIEW

The staff recommendation is not a "Project" as defined by the California Environmental Quality Act and is therefore not subject to environmental review.

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

Resolution

First Amendment Agreement

4 Leaf original agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT WITH 4LEAF INC. TO PROVIDE TEMPORARY PROFESSIONAL PLANNING SERVICES

WHEREAS, On August 31, 2021 the City of Newark awarded a Contractual Services Agreement (the "Agreement") to 4LEAF Inc. (the "Consultant") to provide temporary professional planning services; and

WHEREAS, the City finds that the scope of services described in the the Agreement continue to be necessary and desires to amend the Agreement to provide additional funding for the existing scope of services to be provided by the Consultant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager is hereby authorized to execute the first amendment to the Contractual Services Agreement with 4LEAF Inc., in a form approved by the City Attorney, to provide technical assistance by individuals possessing experience consistent with minimum qualifications provided by the City and to increase the not to exceed amount of the Agreement, as amended by the First Amendment, by $45,000.00 for a total not to exceed amount of $155,000.00.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all other actions consistent with this Resolution, including any necessary revisions to the scope of work for the Agreement in a form approved by the City Attorney, that are within the total not to exceed amount of $155,000.00.

FIRST AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT BETWEEN THE CITY OF NEWARK AND 4LEAF, INC.

This First Amendment to Contractual Services Agreement between the City of Newark, a municipal corporation, ("City") and 4LEAF, INC., a Type "C" Corporation ("Consultant") (sometimes referred to as "Parties") dated August 31, 2021 (the "Agreement"), is entered into as of _____ ___, 202_ for the provision of temporary professional planning services.

RECITALS

WHEREAS, the Parties executed the Agreement for the provision of temporary professional planning services to provide technical assistance by individuals possessing experience consistent with minimum qualifications provided by the City; and

WHEREAS, Section 27, Modifications, of the Agreement allows the Parties to amend the Agreement provided that the amendment is in writing signed by the Parties; and

WHEREAS, the Parties desire to amend the Agreement, Section 3.A to increase the "Not to Exceed" Compensation amount; and

WHEREAS, City staff is authorized to execute this Amendment in a form approved by the City Attorney.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Section 3.A. "Not to Exceed" Compensation, of the Agreement, is amended to increase the not to exceed compensation by $45,000, for a total not to exceed amount of $155,000 (from a previous not to exceed amount of $110,000.).

2. The Agreement's Exhibit B (Payment) is amended as outlined in the new Payment (Exhibit 1), attached hereto and incorporated herein by reference.

3. With the exception of the foregoing, all other terms and conditions in the Agreement, as amended, remain in force and effect.

City of Newark

David J. Benoun
City Manager

Dated: _____

Consultant: 4LEAF, Inc.

Kevin Duggan
President

Dated: 3/16/2022

Attest:

Sheila Harrington
City Clerk

Approved as to Form:

Kristopher J. Kokotaylo
Interim City Attorney

EXHIBIT 1

PAYMENT

Consultant will provide the individual performing at the Assistant Planner level at the hourly rate of $105/hour for an amount not to exceed $155,000.

5077303.1

C21045

CONTRACTUAL SERVICES AGREEMENT
CONSULTANTS

This Service Agreement (hereinafter "Agreement") is made and entered into this 31st day of August, 2021 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and 4LEAF, INC., a Type "C" Corporation ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested a proposal to perform the services generally including the provision of temporary professional planning services to provide technical assistance by individuals possessing experience consistent with minimum qualifications provided by the City.

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 One hundred ten thousand and No/100 Dollars ($110,000.00) 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 01covering 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:	**$1,000,000** per occurrence or claim; $2,000,000 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 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:

4LEAF, INC.	**CITY OF NEWARK**
CRAIG TOLE	STEVEN TURNER
Consultant	**Administrator**
Address: 4LEAF, Inc. Attn: Craig Tole 2126 Rheem Drive Pleasanton, CA 94588	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

By _____
City of Newark

Date 8-31-21

4LEAF, INC.
Type "C" Corporation

By _____
Kevin J. Duggan, President

Date: 8/25/2021

Attest:

Kathleen L. Slaftes
Deputy City Clerk

Date 8/31/21

Approved as to form:

_____
City Attorney

Date 8/31/2021

EXHIBIT A

SCOPE OF SERVICES

Technical Assistance at an Assistant Planner Level

Consultant shall provide the City with an individual that can provide technical assistance at an Assistant Planner level. The individual shall possess experience acceptable to the City, for a period not to exceed twelve months. Examples of services include responding to inquiries regarding technical planning matters at the public counter, responding to phone and/or email inquiries, processing entitlement applications including but not limited to; design review, use permits, zoning verification letters, and completing planning plan checks. Examples of services are further described below.

Consultant shall make the individual available up to 40 hours per week; the Community Development Director and Consultant will agree on hours of availability, which may be adjusted from time-to-time.

Other Temporary Professional Planners

Consultant shall provide the City with other professional planners to provide technical assistance as identified by the City, subject to the provision of Section 4 (ADDITIONAL SERVICES) of the Agreement.

EXAMPLES OF SERVICES - Services may include, but are not limited to, the following:

Perform technical review and monitor land use and development applications, including following up on building permits, plan checks and listings fees.

Prepare staff reports for routine land use and development plan permits including determination of overall content and format of reports.

Review and process less complex development projects, including administrative use permits, sign permits, tree removal permits, home occupation permits, etc.

Assist planners in conducting and preparing statistical and research projects, compiles zoning and planning related data as required; prepares a variety of correspondence.

Maintain department records and files in the computerized permit tracking system. Prepare graphic and mapped data using computer-based mapping/GIS.

Perform other duties of a similar nature or level.

EXHIBIT B

PAYMENT

Consultant will provide the individual performing at the Assistant Planner level at the hourly rate of $105/hour for an amount not to exceed $110,000.

EXHIBIT C

QUALIFICATIONS

3859459.1

STAFF REPORT

Item D. 7.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Art Interiano, Deputy Community Development Director
SUBJECT	Motion to accept the recommendation from the Community Development Advisory Committee for allocation of anticipated Community Development Block Grant Jurisdiction Improvement Project funds for Fiscal Year 2022-2023

RECOMMENDATION

Staff recommends that the City Council by motion, accept the recommendation from the Community Development Advisory Committee to approve the allocation of CDBG Jurisdiction Improvement funds for Fiscal Year 2022-2023 to the Citywide ADA Compliance Improvements.

EXECUTIVE SUMMARY

The City is expected to receive a Fiscal Year 2023 Community Development Block Grant (CDBG) award in the amount of approximately $193,557.00. A portion of those funds are allocated for the Alameda County minor home repairs program and CDBG administrative costs. The remainder of the balance, $138,103.00, is recommended to be used for jurisdictional improvements. The jurisdictional improvement funds will be used on a variety of parks projects, including resurfacing the basketball court at Byington Park and improving sidewalks and pathways in Ash Street Park, Lakeshore Park and Civic Center Park. The Community Development Advisory Committee (CDAC) met on March 8, 2022 and voted unanimously to recommend funding for these improvements.

BACKGROUND

Newark receives Community Development Block Grant (CDBG) funds as part of the Alameda County Urban County. These are federal funds provided through United States Department of Housing and Urban Development (HUD) to jurisdictions with population of 50,000 or more. In order to qualify for funds, Newark and the cities of Albany, Dublin, Emeryville and Piedmont, along with the unincorporated areas of Alameda County have formed an entity (the Urban County) that together, constitutes a population size large enough to qualify for funds. The Urban County receives an amount of money each year that is determined by Congress's allocation to the CDBG program and a federal formula for dividing the overall funding between qualifying communities. The total funds received by the Urban County are then allocated between member jurisdictions using a formula that considers overall population, poverty levels and similar factors.

CDBG funds are distributed among various categories of uses: Jurisdiction Improvements, General Administration and Minor Home Repairs.

- Jurisdiction Improvements - HUD requires that the funds be used for projects that benefit primarily low and moderate income households, senior citizens, or disabled citizens. The City must provide proof of this both when applying for and after completing a project. In the past, the city has preferred to use CDBG funds for capital improvement projects because capital Improvement projects provide infrastructure with long-term benefits to residents and Newark receives a relatively small amount of CDBG funds. Spending these funds on capital projects helps to maximize their benefit.
- General Administration – As the name suggests, the funds are used for necessary administrative expenses.
- Minor Home Repairs – This program funds minor home repairs such as minor plumbing, carpentry, electrical repairs and can be used for railings, grab bars, toilets, water heaters, doors, locks and more. The Alameda County Healthy Homes Department administers this program and assists low-income homeowners with grants and contractors.

DISCUSSION/ANALYSIS

Based on the City's anticipated total CDBG allocation and the maximum percentages allowed per activity, the City's allotment of CDBG funds for Fiscal Year 2022-2023 in these three categories are as follows: General Administration ($7,800), Minor Home Repairs ($47,655) and Jurisdiction Improvement Projects ($138,103).

In order to meet the deadlines for approval by the U.S. Department of Housing and Urban Development (HUD), the City Council must accept a recommendation from the Community Development Advisory Committee (CDAC) to allocate the anticipated Jurisdiction Improvement Funds. The CDAC is the recommending committee for the CDBG Program and assists with evaluation and assessment of proposed and implemented programs to meet community needs at citywide level. The CDAC assists in the development of realistic goals and objectives to meet identified needs. The CDAC also assists in the implementation of the CDBG program and reviews any program modifications as determined by community assessments and/or HUD program requirements. Thus, CDAC makes recommendations for the use of Jurisdiction Improvement Project Funds to the City Council.

Recommendations for use of 2022-23 Jurisdiction Improvement Project Funds

The CDAC met on March 8, 2022, to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement funds for Fiscal Year 2022-2023. At the time of CDAC meeting, the exact amount of funding had not been determined. Staff used an estimated amount of $138,103 in order to develop funding recommendations for the CDAC's consideration. The CDAC voted, 7-0, to recommend that the City Council allocate $138,103 in anticipated Jurisdiction Improvement Project funds to the Citywide ADA Compliance Improvements.
The Jurisdiction Improvement Project would address ADA compliance needs at City-owned parks, facilities, and parking lots as identified in the City's Disabled Access

Transition Plan. The scope of work would include resurfacing of a basketball court in Byington Park, adding a new pathway in Ash Street Park, repairing and resurfacing pathway and sidewalks to remove tripping hazards in Lakeshore and Civic Center Parks. These improvements would provide accessibility benefits for the entire community.

FISCAL IMPACT

There is no fiscal impact for the current FY 2022 but the revenues and appropriation to spend these funds will be added to the FY 2023 budget.

ENVIRONMENTAL REVIEW

There is no environmental review associated with this agenda item.

PLANNING COMMISSION

There is no Planning Commission approval required for this agenda item.

REVIEW AND APPROVAL

Prepared by – Art Interiano, Deputy Community Development Director
Reviewed by – Steven Turner, Community Development Director
Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

STAFF REPORT

Item D. 8.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Mid-year Budget Review and Adopt a Resolution Approving an Amendment of the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2022.

RECOMMENDATION

Staff recommends that the City Council, by Resolution, amend the 2020-2022 Biennial Budget and Capital Improvement Plan for the Fiscal Year 2022 according to the recommended adjustments for each fund presented as Exhibit A.

EXECUTIVE SUMMARY

Each year, as part of the mid-year budget review process, Staff reports on trends and actions after adopting the Biennial Budget and addresses any newly identified budget changes anticipated before the end of the fiscal year (June 30).

The mid-year review analyzes the City's revenues and expenditures using data from July 1 to December 30 and provides year-end projections. As part of the analysis, the Fiscal Year (FY) 2022 year-end projections are compared to the FY 2022 Adopted Budget. With this analysis, Staff reports on any newly identified budget changes since the adoption of the 2020-2022 Biennial Budget on June 25, 2020.

The COVID-19 Pandemic significantly impacted the City's revenue sources which in turn caused the City to make significant budgetary adjustments to address the anticipated budget deficits when staff was preparing the 2020-2022 Biennial Budget.
The total projected year-end General Fund revenues are $68.8 million, and projected expenditures are $65.2 million. For FY 2022, Staff estimates a General Fund year-end surplus of approximately $1.9 million after transfers. This year-end surplus is $9.2 million (126%) more favorable than the anticipated $7.3 million deficit in the adopted budget and $70,000 (4%) over the prior fiscal year.

Notable transfers include:
- Transfers In from the Pension Reserve to fund another paydown of the unfunded pension liability and from the ARPA Fund to reimburse the City for ARPA eligible expenditures.
- Transfer Out of Measure GG revenue earmarked for debt service and Civic Center capital expenditures.
- Transfers Out to the Pension/OPEB Reserve to maintain funding for future pension pay downs and ACFD OPEB payments.

This report includes recommended adjustments to bring the budgeted revenue estimates more in line with current projections.

Revenue Sources	FY 2021 Amended Budget	FY 2021 Actuals	FY 2022 Adopted Budget	FY 2022 Year-End Projection	% Over/(Under) Adopted Budget	% Change 2022/2021
PROPERTY TAX	$ 25.75	$ 24.42	$ 22.96	$ 26.25	▲ 14%	▲ 7%
SALES TAX	17.63	20.47	15.44	20.68	▲ 34%	▲ 1%
TRANSIENT OCCUPANCY TAX	2.24	2.92	2.48	3.88	▲ 56%	▲ 33%
UTILITY USERS TAX	3.22	3.37	-	3.30		▼ -2%
OTHER TAXES	1.85	2.11	1.52	2.33	▲ 53%	▲ 10%
LICENSES PERMITS & FEES	10.48	9.86	11.63	10.48	▼ -10%	▲ 6%
OTHER REVENUE	2.67	1.44	2.66	1.88	▼ -29%	▲ 31%
TOTAL REVENUE	**$ 63.84**	**$ 64.59**	**$ 56.69**	**$ 68.80**	▲ 21%	▲ 7%

Expenditures by Category	FY 2021 Amended Budget	FY 2021 Actuals	FY 2022 Adopted Budget	FY 2022 Year-End Projection	% Over/(Under) Adopted Budget	% Change 2022/2021
PERSONNEL	$ 33.10	$ 32.49	$ 35.30	$ 33.59	▼ -5%	▲ 3%
PENSION ADP & OPEB CONTRIBUTION	10.00	10.00	-	5.57		▼ -44%
ACFD FIRE SERVICES	11.06	10.77	11.34	11.34	— 0%	▲ 5%
NON-PERSONNEL EXPENDITURES	14.16	12.53	13.17	14.65	▲ 11%	▲ 17%
TOTAL EXPENDITURES	**$ 68.32**	**$ 65.79**	**$ 59.81**	**$ 65.15**	▲ 9%	▼ -1%
NET OPERATING RESULTS BEFORE TRANSFERS	**$ (4.48)**	**$ (1.20)**	**$ (3.12)**	**$ 3.65**		
TRANSFERS IN [1]	10.00	10.03	-	7.27		
TRANSFERS OUT [2]	3.98	6.98	4.20	9.00		
NET OPERATING RESULTS AFTER TRANSFERS	**$ 1.54**	**$ 1.85**	**$ (7.32)**	**$ 1.92**		

(1) Transfers In from Pension Reserve and CARES/ARPA reimbursements.

(2) Transfer Out Measure GG revenue earmarked for debt service and Civic Center capital expenditures.

(2) Transfers Out to Pension Reserve & ACFD OPEB payments.

BACKGROUND

Budget amendments occur throughout the year when unanticipated events result in an increase or decrease in revenue projections and appropriations. The City's regular practice is to present a mid-year budget amendment to the City Council for consideration.

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a Pandemic. Since this announcement, the COVID-19 Pandemic has caused direct impacts on the health and economic wellbeing of people across the globe. The COVID-19 Pandemic has caused major shifts in social and lifestyle perspectives and has caused a significant negative impact on local, state, and federal economies. The general consumer goods, restaurants, and tourist industries were among the hardest-hit businesses, particularly smaller-scale businesses.

The City Council adopted the 2020-2022 Biennial Budget on June 25, 2020. At that time, Staff anticipated dramatic declines in three general fund sources of revenue due to COVID-19 impacts: (1) Sales Tax; (2) Transient Occupancy Tax; and (3) Licenses, Permits, and Charges for Services. The adopted budget addressed a projected General Fund revenue shortfall of $14 million over two fiscal years, even after Staff implemented expenditure reductions in all City departments. These measures included reducing temporary Staff, a hiring freeze for non-essential positions, eliminating scheduled compensation adjustments, and reducing citywide contractual services.

During the mid-year budget review, updates are made to the available City's resources based on: 1) the audited financial statements for the Fiscal Year 2021 (which was presented to the City Council on February 10, 2022); 2) the City's unaudited financial position through the second quarter of Fiscal Year

2022; and 3) year-end projections based on the most recent economic trends.

DISCUSSION/ANALYSIS

Fiscal Year 2022 is the second year of the City's biennial budget cycle. As part of the mid-year review process, a number of revisions are proposed to align budgeted revenues and expenditures with the most current information. These revisions are identified where changes have occurred since adopting the Biennial Budget in June of 2020. Although some revenues have been impacted more significantly than others, the overall impact does not appear as drastic as anticipated in the FY 2022 Adopted Budget.

The U.S. fight against COVID-19 has shown dramatic progress. In addition to this progress, the President of the United States in March of 2021 signed into law the American Rescue Plan Act ("ARPA") (H.R. 1319), containing $1.9 trillion in funding consisting of payments to individuals and various levels of government, including state and local agencies as well as school districts. It is expected this will have a stimulating effect on the economy and provide relief for communities that have suffered from the Pandemic over the past year. Under ARPA, the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) was established, and the City of Newark was awarded $11.8 million to be paid in two tranches. The first fifty percent was received in July of this fiscal year and the remaining fifty percent will be received in July of FY 2023.

Economic Indicators

The annual inflation rate in the U.S. accelerated to 7.9% in February of 2022, the highest since January of 1982, and core inflation is expected to rise to 6.4%, also the highest in 40 years. Core CPI is usually more stable than headline CPI because it excludes volatile food and energy categories. The CPI data will likely show prices climbed across a broad array of goods and services, including hospitality services and restaurants while gasoline prices increased almost 41% from last year.

The Consumer Price Index (CPI) for San Francisco-Oakland-Hayward increased 0.8% for the last two months of 2021, and prices were up 4.2% from the prior year. The December increase was likely influenced by an increase in prices for new and used motor vehicles.

The City’s median household income has consistently been much higher than both the California State and the United States medians. In 2019, Newark’s median household income was $116,856, compared to the Alameda County median income of $99,406.

As of January 2022, the U.S. unemployment rate has fallen to 4% nearly reaching the pre-pandemic unemployment rate of 3.8% in February 2020. However, the State of California is higher at 5.8% as of December 2021. Unemployment rates for California and the City of Newark are only available up to December 2021.

The second estimate of gross domestic product (GDP) for the fourth quarter showed that the U.S. economy grew at an annual rate of 7%, fueled by strong consumer spending. Within consumer spending, a downward revision to services was partly offset by an upward revision to goods.

California’s housing crisis is a current hot topic, but it has been developing for decades and there are no easy solutions for it. The U.S. housing market is strong, sales activity picked up, hampered only by inventory shortages.

The Newark home index value is slightly higher than Alameda County’s average home index value and significantly higher than the State of California average. Newark’s home values are on average approximately 40% greater than the State of California average. In December, the statewide median home price rose to $797,000, up 11% from the $718,000 median price recorded in December 2020. The median sale price of a detached single-family home in Newark was approximately $1.2 million trending up 18.1% year-over-year.

General Fund: Operating Revenues
The Fiscal Year 2022 mid-year report includes projections for all General Fund revenue sources. Overall, General Fund revenues are estimated at $68.8 million, an increase of 7% ($4.2 million) from the FY 2021 level and 21% (12.1 million) above the FY 2022 Adopted Budget. This report includes recommended adjustments to bring the budgeted revenue estimates more in line with current projections.

The following table provides revenue comparisons for the Fiscal Year 2022. The FY 2022 year-end projections are compared to the FY 2022 Adopted Budget and to the FY 2021 Actuals.

Revenue Sources	FY 2021 Amended Budget	FY 2021 Actuals	FY 2022 Adopted Budget	FY 2022 Year-End Projection	% Over/(Under) Adopted Budget	% Change 2022/2021
PROPERTY TAX	$ 25.75	$ 24.42	$ 22.96	$ 26.25	▲ 14%	▲ 7%
SALES TAX	17.63	20.47	15.44	20.68	▲ 34%	▲ 1%
TRANSIENT OCCUPANCY TAX	2.24	2.92	2.48	3.88	▲ 56%	▲ 33%
UTILITY USERS TAX	3.22	3.37	-	3.30		▼ -2%
OTHER TAXES	1.85	2.11	1.52	2.33	▲ 53%	▲ 10%
LICENSES PERMITS & FEES	10.48	9.86	11.63	10.48	▼ -10%	▲ 6%
OTHER REVENUE	2.67	1.44	2.66	1.88	▼ -29%	▲ 31%
TOTAL REVENUE	**$ 63.84**	**$ 64.59**	**$ 56.69**	**$ 68.80**	▲ 21%	▲ 7%

Property Taxes
The General Fund's largest revenue source, property tax, is estimated at $26.3 million and is performing 14% ($3.3 million) higher than the Adopted Budget, with expected growth of 7% ($1.8 million) over the prior year.

Property tax revenue is generally the most stable source of revenue due to a combination of higher assessed valuations on properties due to ownership changes and annual inflation adjustments allowed under Proposition 13. Under Proposition 13, the annual real estate tax on a parcel of property is limited to 1% of its assessed value. This assessed value may be increased only by a maximum of 2% per year unless the property has a change of ownership. Increases in assessed values are often related to changes in ownership and new development.

The stay-at-home orders and business closures and economic impacts had an impact on the overall growth experienced as the annual CPI was 1.036% - roughly half of the growth usually seen from the maximum increase of 2%.

The information provided by the Alameda County Assessor indicates the Assessed Value for the FY 2022 tax roll for Newark increased a net 5.5%, which is slightly higher than the countywide increase of 4.7%. The 5.5% increase reflects growth in the secured Assessed valuation and a decline in the unsecured assessed valuation coupled with a slight increase in the motor vehicle license fee, backfill payments.

Property tax receipts lag transactions by 12-18 months. The Fiscal Year 2022 values were set as of January 1, 2021, and based on sales and new construction during the calendar year 2021. The health orders resulting in shutdowns have little impact on these values unless the shutdown is prolonged and prompts significant foreclosures and sales price reductions which currently is not the case. Even though growth in the number of home sales slowed, sale prices have continued to rise in response to lower inventory and lower interest rates. The FY 2022 values will be impacted favorably by sales and new construction during the Calendar Year 2020 and have continued to cause prices to rise in 2021.

Property Tax distributions from the County are largely received in December, March, and April. Property tax revenue for FY 2022 Adopted Budget was lower than the previous year's actuals. However, new

estimates suggest this might be a conservative estimate, and property tax will over-perform compared to the adopted budget.

Staff reviewed the estimates using the information provided by the County Assessor's office and recommends an increase of $3.3 million to the property tax budget at this time.

Sales Tax
Sales tax, constituting the General Fund's second-largest revenue source, is projected to be 34% or ($5.2 million) above budget and is trending 1% higher than last fiscal year.

Local one cent sales and use tax receipts for sales occurring July through September were 18% higher than the same quarter one year ago after adjusting for accounting anomalies and back payments from previous quarters. These aberrations had been much greater than normal in the last two years as the Governor's Executive Orders allowed businesses to defer some sales tax payments as a supportive measure during the pandemic. This program has now expired, and merchant remittances are more consistent, making cash receipts more reflective of underlying economic activity.

Surprisingly, one of the stronger sectors has been restaurants and hotels. Originally forecasted to take an extended amount of time to recover, statewide sales tax generated during the summer months exceeded amounts from pre-pandemic 2019. Casual dining skyrocketed 75% as people once again enjoyed dining out – which may have contributed to reduced grocery store shopping. Similarly, service station revenues spiked as higher gas prices and increased travel propelled receipts back to pre-pandemic levels.

Business-industry posted solid returns, assisted by busy equipment sales. Mirroring statewide trends, auto sales were strong as people snapped up remaining inventories. Booming merchandise sales, especially in apparel and jewelry, reflected a return to in-store shopping as people felt safer out in public.

Gains from the countywide use tax pools, however, slowed to 2% compared to last year, which had been boosted by new tax collecting requirements imposed under AB 147 for online retailers. The City's share of the countywide use tax pool allocations dropped 12.3%.

Although car dealers had expressed concerns about inventory shortages due to supply chain disruptions and computer chip shortages earlier in the year, the sale of new and used vehicles posted solid gains regardless. Higher property values and good weather contributed to strong building materials and contractor returns. As commuting workers and travelers returned to the road with increased gas prices, fuel and service stations also experienced a dramatic recovery. All things considered; the overall growth is expected to continue through the end of the 2021 calendar year.

Possible headwinds into 2022 include pent-up demand for travel and experiences, shifting spending away from taxable goods; higher prices for fuel, merchandise, and services displacing more of consumers' disposable income; and expected interest rate hikes resulting in more costly financing for automobiles, homes, and consumer loans.

Staff reviewed the estimates with the City's sales tax consultants HdL and recommends an increase of $5.2 million to the sales tax budget at this time.

Transient Occupancy Tax (TOT)
The City has 11 hotels (DoubleTree Hilton, Homewood Suites Hilton, Courtyard by Marriott, Newark Residence Inn by Marriott, Town Place Suites, ALoft Silicon Valley, Chase Suites, Comfort Inn, E-Z8 Hotel, Staybridge Suites, and SpringHill Suites by Marriott). These hotels remit a 10% transient occupancy tax (TOT) to the City.

The primary economic drivers for TOT revenues are room rates, occupancy, and overnight visitor

growth. Due to pandemic-related reductions in business activity and travel, there was a significant decline in revenue in FY 2020 and FY 2021. The projected year-end revenue for FY 2022 is at $3.9 million, which is 56% ($1.4 million) higher than the Adopted Budget and 33% ($960,000) more favorable than last fiscal year. It is projected that this tax revenue will increase as business and leisure travel continues to rebound and rise, though the rate may rise gradually. While growth remains below pre-pandemic levels, the gap is considerably reduced and therefore Staff recommends an increase of $1.4 million to the TOT budget.

Utility Users Tax (UUT)
The existing UUT was set to expire at the end of the calendar year 2020, and this assumption was included in budget projections. In November 2020, Newark voters approved extending the City's UUT to maintain vital services, including public safety, fire protection, streets and pothole repair, and crime and gang prevention programs. Staff recommends a budget amendment to include the approval of Measure PP and reflect a full year of UUT revenues.

The City of Newark imposes a UUT on the use of cable, electric, gas, wired telecom, and wireless telecom services at a rate of 3.25%. The UUT generates about 5% of the General Fund revenues. During Fiscal Year 2021, UUT revenues were approximately $3.4 million. This year the City is projected to receive $3.3 million, a 2% decrease from the last fiscal year. This decrease is due to a combination of service delivery and consumption pattern changes. These changes result in fewer gross receipts from utility providers, which means less UUT revenue for the City.

Other Taxes
The Other Taxes category includes Business License Tax and Property Transfer Tax and is projected to be $1.6 million and $732,000, respectively, at the end of FY 2022. This total of $2.3 million is $800,000 higher than the FY 2022 Adopted Budget and $200,000 higher than the prior fiscal year.

Business License Tax revenue is projected to be 47% more favorable than anticipated or $510,000 above the Adopted Budget – an 8% increase from last year. When viewed as a percentage of the budget, current mid-year revenues are trending slightly higher than previous years. Because business tax is collected in the prior calendar year, collections during the first half of the next fiscal year will be reduced.

Property Transfer Tax is levied on the sale of real property. The County of Alameda collects $1.10 per $1,000 of the sale price when any real property is sold, of which the City receives half, or $0.55 per $1,000. The major economic drivers for property transfer tax are the volume of property sales and home prices. Unlike the 1.0 percent property tax revenue, property transfer tax receipts reflect current economic conditions without lag time. Even though there is low inventory, the median home price has continued to rapidly grow over the past year. Property Transfer Tax revenue is projected to be 69% ($300,000) more favorable than anticipated in the Adopted Budget and a 15% increase from last year.

Staff recommends increasing Business License Tax revenues by $510,000 and increasing Property Transfer Tax by $300,000 bringing the budget in line with current projections.

Licenses, Permits, and Fees
This category includes recreation fees, franchise fees, animal licenses, construction permits, encroachment permits, and building permits. The Licenses, Permits & Fees category is projected to end the year at $10.5 million, a $1.2 million shortfall from the Adopted Budget but 6% higher than FY 2021 to account for city service reopening to the public in the last quarter of the fiscal year, namely from the Recreation Department.

The City collects Franchise Fees from utility service providers for the use of city streets and rights-of-way. Franchise fees are currently received on cable TV, garbage, electricity, and natural gas. Historically, franchise payments are not remitted equally throughout the fiscal year: therefore, mid-year receipts are not necessarily predictive of year-end actuals. Total Franchise Fee revenues are projected

at $4.4 which is $205,000 (5%) higher than last fiscal year.

For the most part, development activity is steady but expected to level off. Public works services and building permits will remain consistent with prior year amounts due to community needs.

The 2020-2022 Biennial Budget assumed gradual lifting of the shelter-in-place orders with a phased approach to reopening our revenue-generating services. Amidst this context, Staff anticipated minimal revenue in the first two quarters of the year. At this time, no amendments are being proposed to the Licenses, Permits, and Fees category. Staff will review this category again during the year-end process.

General Fund: Expenditures (Appropriations)
The following table provides through second-quarter actual expenditure comparisons and compares the Fiscal Year 2020 actual results with the Fiscal Year 2021 amended budget and Staff's Fiscal Year 2021 mid-year estimate for year-end.

Expenditures by Category	FY 2021 Amended Budget	FY 2021 Actuals	FY 2022 Adopted Budget	FY 2022 Year-End Projection	% Over/(Under) Adopted Budget	% Change 2022/2021
PERSONNEL	$ 33.10	$ 32.49	$ 35.30	$ 33.59	▼ -5%	▲ 3%
PENSION ADP & OPEB CONTRIBUTION	10.00	10.00	-	5.57		▼ -44%
ACFD FIRE SERVICES	11.06	10.77	11.34	11.34	▬ 0%	▲ 5%
NON-PERSONNEL EXPENDITURES	14.16	12.53	13.17	14.65	▲ 11%	▲ 17%
TOTAL EXPENDITURES	$ 68.32	$ 65.79	$ 59.81	$ 65.15	▲ 9%	▼ -1%

The General Fund expenditures for FY 2022 are projected to be $65.2 million at the end of the fiscal year, which includes the $5.6 million additional discretionary payment (ADP) to CalPERS. This proposed payment will be the second ADP to CalPERS. The projected $65.2 million expenditures for FY 2022 is $5.3 million higher, or 9%, above the adopted budget largely as a result of this ADP. Other variances are the projected decrease in personnel expenditures, reflecting unfilled positions which have been budgeted, and a $1.5 million increase for non-personnel expenditures. Compared to FY 2021, all the expenditure categories are projected to be slightly higher as city services increase. The notable difference is in the CalPERS ADP payments which was $10 million in FY 2021 and is currently being planned at $5.6 million for FY 2022.

A summary of modifications to the General Fund operating budget for Fiscal Year 2022 include:
1. Increase General Fund major revenue sources such as Property Tax, Sales Tax, TOT, and UUT revenues to better align the budget with current projections and economic updates.
2. Increase appropriations for Information Technology departmental supplies.
3. Increase appropriations for computer licensing and software costs such as Zoom, Netfile, ECS Imaging and ESign Genie.
4. Increase appropriations for IT maintenance and service costs for VPN solutions and MS Office solutions.
5. Increase appropriations for telephone services with Verizon and Utility Telephone.
6. Increase appropriations for recruitment services such as pre-employment screening and occupation health screen.
7. Increase appropriations for Citywide organizational development and conflict resolution.
8. Increase appropriation for EDD Unemployment Insurance.
9. Add appropriation for PD Team Building Workshop.
10. Increase appropriation for the School Crossing Guard contract due to CPI increases.
11. Increase appropriation for PD Veterinary and City of Fremont animal services due to increase of animal count and increase pro-rata share of 12.1% to 15.9% of the total usage.
12. Adding appropriation to contractual services for Economic Development Department to kickstart communication efforts about Newark Business Community.
13. Adding appropriation for Yiftee Merchant Card Program.

14. Adding appropriations for comprehensive fee study services.
15. Adding appropriations for NHA Financial Advising services.
16. Adding appropriations for HdL UUT administration and consulting services.
17. Adding appropriations for Management Partners Local Government consulting services.
18. Adding appropriations for Emergency Services Coordinator contract with Union City.
19. Adding appropriation for the purchase of Information Technology software and licenses.

Other minor adjustments and associated details are in the attachment, Exhibit A.

Special Revenue Funds - American Rescue Plan Act (ARPA)

The City received one-half of its allocation of funds through the American Rescue Plan Act in July of 2021 and anticipates receiving the second tranche of ARPA funding by July of 2022. A new Special Revenue Fund was created to identify the allocations received and applicable expenditures. The FY 2022 ARPA allocation for Newark was $5,878,742.50 (50% of $11,757,485). Staff requests adding a revenue budget and appropriations of $5.9 million to the ARPA Special Revenue Fund (Fund 382).

Other minor amendments and associated details are in the attachment, Exhibit A.

Internal Services Funds

The Internal Service Funds include Public Liability Insurance and Worker's Compensation. The revenues in these funds are derived from charges to the departments/funds receiving their services. There are Year-end adjustments for increased expenditure costs of $600,000 due to increased general liability and property insurance.

Other minor amendments and associated details are in the attachment, Exhibit A.

General Fund Reserves and Unallocated Fund Balance

As of the end of FY 2021, the General Fund Reserves were well above the minimum levels of 15% and 10% of final operating expenditures for the Emergency Reserve and Fiscal Uncertainty Reserve, respectively. At $11.4 million, the Emergency Reserve is at 17.4% of the FY 2021 final operating expenditures; this amount is $1.5 million above the calculated goal of having 15% in the Emergency Reserve. At $10.7 million, the Fiscal Uncertainty Reserve is at 16.3% of the FY 2021 final operating expenditures; this amount is $4.1 million above the calculated goal of having 10% in the Fiscal Uncertainty Reserve. Combined, these two reserves are currently $5.7 million above the targeted reserve levels established by policy. As a separate reserve, the Pension and OPEB reserve fund, starting out with $16.8 million, was left with $6.8 million after the first ADP payment made to CalPERS in June 2021.

Optimism and Prudence Spending

The City's major revenue sources for FY 2021 are more favorable than initially forecasted when Council approved the original FY 2022 budget. In summary, the total projected year-end General Fund revenues are $68.8 million, and projected expenditures are $65.2 million. For FY 2022, Staff estimates a General Fund year-end surplus of approximately $1.9 million after transfers. Prior to these transfers, the year-end surplus is $9.2 million (126%) more favorable than the anticipated $7.3 million deficit in the adopted budget and $70,000 (4%) over the prior fiscal year.

Notable transfers include:

- Transfers In from the Pension Reserve to fund another paydown of the unfunded pension liability and from the ARPA Fund to reimburse the City for ARPA eligible expenditures.
- Transfer Out of Measure GG revenue earmarked for debt service and Civic Center capital expenditures.
- Transfers Out to the Pension/OPEB Reserve to maintain funding for future pension pay downs and ACFD Other Post-Employment Benefits ("OPEB").

Though the public health emergency we have experienced over the past two years will continue to depress specific sectors of our local economy, we've started to experience gradual recovery in this last

quarter. Staff will continue conservative fiscal planning efforts and closely monitor the following revenue sources: Sales Tax, UUT, TOT, and Charges for Services.

FISCAL IMPACT

The recommended amendments included in the mid-year review increase or decrease the Fiscal Year 2022 budgeted revenues, appropriations, and available resources of various funds as presented in Exhibit A.

REVIEW AND APPROVAL

Prepared by – Krysten Lee, Finance Director
Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

Attachments

FY2022 Mid-year RESO

Exhibit A to resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING 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, as part of the mid-year budget review for Fiscal Year 2022, staff has identified and proposed changes to the budget since the original adoption by the City Council.

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 No. 11,098 on June 25, 2020, and subsequently amended by resolutions, is hereby amended as set forth in Exhibit A attached.

Gdr1

Exhibit A
Mid-year Budget Amendments for Fiscal Year 2022

Revenue:

General Fund:			**Increase**	**Decrease**	
110	00.000.000	4010	3,048,000		PROPRTY TAX
111	00.000.001	4011	240,000		PROPRTY TAX - MVLF
110	00.000.000	4020	3,751,000		SALES & USE TAX
112	00.000.000	4021	1,493,000		Measure GG - TRANSACTIONS AND USE TAX
110	00.000.000	4040	1,399,000		TRANSIENT OCCUPANCY TAX
110	00.000.000	4050-110	373,000		BUSINESS LICENSES
111	00.000.000	4050-120	52,000		BUSINESS LICENSES-PENALTIES
112	00.000.000	4050-130	85,000		BUSINESS LICENSES-NEW REGISTRATION
110	00.000.000	4053	300,000		DOC & PROPERTY TXFR TAXES
115	00.000.000	4040	3,299,000		UTILITY USERS TAX
GF		3000	14,040,000		Fund Balance

Special Revenue Funds:			**Increase**	**Decrease**	
382	00.000.000	4793	5,900,000		ARPA Funding
SRF		3000	5,900,000		Fund Balance
202	00.000.000	4725	115,000		HIGHWAY USERS TAX RMRA SB1
SRF			115,000		Fund Balance

Expenditures:

General Fund:			**Increase**	**Decrease**	
110	20.020.200	6120	35,000		Civic Center Grand Opening
110	20.020.200	6211	15,000		USPS Bulk Mail Account
110	20.020.200	6221	95,000		Emergency Services Coordinator
110	21.021.200	6150	17,000		Computer Software and Licenses (Zoom & NetFile)
110	21.021.200	6245	5,000		Microsoft 365 Licensing
110	21.021.200	6245	5,000		Net Motion Renewal
110	21.021.200	6245	6,000		Esign Genie
110	21.021.200	6245	5,000		Adobe subscription
110	21.021.200	6245	4,000		ECS Imaging LaserFiche
110	21.021.200	6325	154,000		Telephone VOIP/WAN (Verizon & Utility Telecom)
110	22.023.200	6220	50,000		Investigation (Aleshire & Wynder LLP)
110	22.023.200	6220	50,000		Investigation (Van Dermyden)
110	22.023.200	6220	50,000		GVP Recruitment
110	22.023.200	6220	5,000		DOJ Fingerprinting
110	22.023.200	6220	9,000		Occupational Health
110	22.023.200	6220	14,000		Pre-employment Screening Services (Cynthia Kirby & Jocelyn Roland)
110	22.023.200	6275	120,000		EDD Unemployment
110	22.023.200	6455	50,000		Citywide Training Patrick Ibarra
110	22.023.200	6455	30,000		Citywide Conflict Resolution
110	30.030.300	6450	17,000		PD Team Building Workshop
110	30.030.301	6221	5,000		School Crossing Guard contract increases
110	30.030.302	6220	5,000		Added Veterinary Services
110	30.030.302	6221	62,000		City of Fremont Animal Services Contract
110	50.051.510	6221	50,000		Communication efforts about Newark Business Community
110	50.051.510	6221	49,000		Yiftee Merchant Card Program
110	80.081.800	6220	50,000		HdL Prime (BL & UUT)
110	80.081.800	6220	50,000		Maze & Assoc Staff Augmentation
110	80.081.800	6220	50,000		Revenue & Cost Specialist - Comprehensive Fee Study
110	80.081.800	6220	12,000		ClearGov Insights and Budget Transparency Platform
110	80.081.800	6220	43,000		NHA Financial Advisors
140	60.064.642	6221	20,000		Additional funds for barrier and guardrail repairs
140	60.064.642	6140	2,000		Uniforms for new employees
140	60.064.643	6140	1,000		Uniforms for new employees
140	60.064.643	6221	39,000		Citywide Park tree pruning & playground surface material installation
140	60.064.643	6300	154,000		New Civic Center Utilities
GF		3000	-	1,328,000	Fund Balance

Exhibit A
Mid-year Budget Amendments for Fiscal Year 2022

Special Revenue Funds:			**Increase**	**Decrease**	
236	30.033.330	6221	50,000		Purchase E-Citation Device
SRF			-	50,000	Fund Balance
382	00.000.000	9999	5,900,000		ARPA Transfers
SRF		3000		5,900,000	Fund Balance

Internal Service Funds			**Increase**	**Decrease**	
703	87.703.671	6120	70,000		Increased cost of supplies for equipment maintenance
703	87.703.671	6261	40,000		Increase cost of labor for heavy equipment
703	87.703.671	6221	2,000		CONTRACTUAL SERVICES - Increased service requests
703	87.703.671	6140	1,000		Uniforms for new employees
703	87.703.672	6140	1,000		Uniforms for new employees
704	87.704.672	6120	20,000		Increased costs of Citywide COVID supplies
704	87.704.672	6251	200,000		Increased janitorial services in new buildings
704	87.704.672	6221	50,000		CONTRACTUAL SERVICES (Siemens, Syserco, Elesco & Elevator Maintenance)
704	87.704.672	6300	159,000		New Civic Center Utilities
704	87.704.673	6120	12,000		Increase cost of pool supplies & components
704	87.704.673	6251	42,000		Increased janitorial services for Silliman Ctr.
704	87.704.673	6221	18,000		CONTRACTUAL SERVICES (Siemens, Syserco, Elesco & Elevator Maintenance)
706	87.706.150	6290	600,000		Public Liability Insurance
ISF		3000		1,215,000	Fund Balance

LLDs			**Increase**	**Decrease**	
402	60.068.682	6300	2,000		Increased water usage for LLDs
407	60.068.682	6300	1,000		Increased water usage for LLDs
415	60.068.682	6300	1,000		Increased water usage for LLDs
416	60.068.682	6300	1,000		Increased water usage for LLDs
417	60.068.682	6300	2,500		Increased water usage for LLDs
ISF		3000		7,500	Fund Balance

Transfers:			**CR**	**DR**	*** All Transfers are up to the amount proposed.**
110	00.000.000	4999	5,570,000		Pension & ACFD OPEB Additional Discretionary Payment
103	00.000.000	9999		5,570,000	
103	00.000.000	4999	3,306,000		Replenish Pension Reserve from FY 2021 Unallocated
110	00.000.000	9999		3,306,000	
104	00.000.000	4999	200,000		Equipment Replacement per Fund Balance Policy
110	00.000.000	9999		200,000	
610	00.000.000	4999	250,000		Capital Funds Reserve per Fund Balance Policy
110	00.000.000	9999		250,000	
610	00.000.000	4999	6,000,000		Txfr for Civic Center Expenditures
112	00.000.000	9999		6,000,000	Measure GG reimbursement for Civic Center Expenditures
610	00.000.000	4999	227,000		Txfr for Civic Center Expenditures
215	00.000.000	9999		227,000	Measure D reimbursement for Civic Center Expenditures
610	00.000.000	4999	366,000		Txfr for Civic Center Expenditures
611	00.000.000	9999		366,000	PEG Fees reimbursement for Civic Center Expenditures
610	00.000.000	4999	4,831,845		Txfr for Civic Center Expenditures
620	00.000.000	9999		4,831,845	Police Safety Impact Fees reimbursement for Civic Center Expenditures
610	00.000.000	4999	5,700,429		Txfr for Civic Center Expenditures
621	00.000.000	9999		5,700,429	Community Service Impact Fees reimbursement for Civic Center Expenditures

STAFF REPORT

Item F. 1.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Anne Stedler, Economic Development Manager
SUBJECT	Informational Economic Development Report

RECOMMENDATION

Staff recommends that the City Council receive the Informational Economic Development Report.

EXECUTIVE SUMMARY

The City Council declared a local emergency due to the COVID-19 pandemic in March 2020. Subsequently, Council approved relief measures to support very small businesses, considered the most vulnerable of Newark's business sectors. These relief measures included the eviction moratorium, Newark CARES grants and more. All 2020 Newark relief measures are listed in Attachment A.

Business sales and expansion, meanwhile, were key indicators of economic stability during the early months of the pandemic. Fortunately, business performance thrived in biotech and individual companies such as Lucid Motors and Logitech. However, an estimated 200 very small businesses struggled with lower sales and in some cases, significant losses.

Ten months into the pandemic, in January 2021, Council received an Economic Development Report from city staff. Staff described these divergent business conditions and reviewed city action to support both thriving and threatened business sectors where possible. Staff voiced the market uncertainty and community solidarity keenly felt at that time, "We are all in this together." This report updates the January 2021 Report.

This report presents the City's economic development services to both thriving and threatened businesses during calendar years 2021 (looking back) and 2022 (looking forward). Today the business climate remains strong for thriving business sectors, with less pandemic uncertainty. New funding in October and November 2021 dramatically improved the City's service capacity for threatened very small businesses, when Council designated American Rescue Plan Act (ARPA) funds for (1) more extensive and proactive grants and services to very small businesses in Old Town and city wide, and (2) the Newark Chamber of Commerce. ARPA funding is intended to help immediate pandemic-related needs and strengthen recipients, building capacity to

sustain them well into the future.

Meanwhile, additional support to help Newark staff serve midsize manufacturers and strengthen their competitive advantage is available in 2022. Spectrum Small Business Services now offers one-on-one advising to midsize manufacturers as well as small businesses under its existing consulting contract with the city. Technical assistance will also be available in coming months funded by Coronavirus Aid, Relief and Economic Security (CARES) Act and secured by partner organization East Bay Economic Development Alliance (EBEDA) through an Economic Development Administration (EDA) grant.

In summary, local economic development initiatives and federal grant funding dramatically changed the opportunity to build city-to-business service relationships intended to last beyond the current pandemic crisis. In March 2022 we are still “all in this together,” but stronger and more connected because of business resiliency and staff work throughout 2021, and much better funded heading into 2022.

BACKGROUND

This background section is an introductory guide and brief summary of the discussion below. Both background and discussion sections are organized by business sector: large, midsize and very small businesses, and two specialized sectors, hotel and retail property businesses. Business information is discussed by sector in relation to city services and initiatives, tax revenue and job creation.

Large Businesses: Taxes and Jobs Continue Industrial Growth

This report section identifies the critical land use and building approvals for large businesses that help businesses meet their timelines and simultaneously increase the city’s tax base and job count significantly. This win-win alignment motivates city action inviting and supporting large technology firms and manufacturers.

Midsize Manufacturers and Suppliers to Manufacturers

This business sector is the diverse industry base that serves other companies. This report describes two new service opportunities for midsize manufacturers, starting in 2022.

Very Small Businesses / Sole Proprietors (reported in Attachment A)

Relief measures Council approved in the first months of the pandemic (2020), and the ARPA-funded initiatives approved in October and November 2021 generally proved beneficial to very small businesses.

The report on Very Small Businesses and Sole Proprietors is provided in Attachment A. (The charts and tables are easier to view in an attachment than within the body of the staff report.) Therefore, the attachment is a part of the staff report, and explains services delivered and proposed, including the COVID-19 Grant Program for businesses with exceptional losses (ECGP), which delivered grants December 22, 2021, and February 11, 2022, to 82 businesses.

Hotels: Market Recovery and Transient Occupancy Tax
Eleven business–serving hotels operating today in Newark have been hit very hard by the pandemic. Transient Occupancy Tax and traveler in-town purchases have suffered. As business travel recovers, the city is poised to examine hotel sector support, especially through potential hospitality grant funds.

Retail Property Businesses: Research
Large retail vacancies at Newark and Jarvis are a long-standing concern. Re-tenanting is especially challenging today because the retail market contracted in recent years, may be further negatively affected by the pandemic, and because property owner's choices are limited contractually. Staff recommends researching the contracts (these are public records) and working with owners as appropriate to identify realistic options to retail problems, including vacancies, that challenge retail properties.

DISCUSSION/ANALYSIS

Large Businesses: Taxes and Jobs Continue Industrial Growth
The robust, large company industrial growth described in the January 2021 report continues today. Three life sciences firms, Allogene Therapeutics, ATUM and Cepheid, and the R & D/electric vehicle and battery manufacturer Lucid Motors were cited as thriving businesses even during the early days of the pandemic and all enjoy continued growth now. For example, in December 2021, Cepheid expanded operations in a second Newark building of 160,000 square feet. Other companies also signed leases, with six major new leases signed in July 2021 alone.

As one official of a company now starting operations in Newark told city staff, "We looked on the Peninsula and couldn't find space or loading facilities we needed." Repeatedly, staff hears that Newark is well-positioned for growing companies that need larger space centrally located in the Bay Area and close to residential areas with a trained workforce. This reality coupled with Bay Area-wide demand for industrial space is likely to sustain Newark's position as a desirable location.

Growing the Tax Base Depends on Availability of Appropriately Designated Land Use

The City Council anticipated industrial market demand before 2018 when it approved one million square feet of new development at the Panattoni/Clarion and Overton Moore sites, combined. Two earlier Council actions attracted higher value technology and advanced manufacturing developers and businesses: the designation of "Business and Technology Park" zoning (at Panattoni/Clarion) and the 2017 ordinance limiting warehouse uses (which applies to the Overton Moore site).

This strategy worked. Both parcels were developed quickly, and the new buildings leased, primarily to the intended higher-value users. Today, only sixteen percent of the one million square feet (162,000 square feet) is still available. City-wide industrial vacancy rates are under 5% for manufacturing space and under 3% for R&D space. Newark is ready to market more land for technology and advanced manufacturing businesses if additional properties had the appropriately designated land uses.

The unusually high and sustained Bay Area-wide demand for research and development and advanced manufacturing real estate is benefiting many East Bay cities, even though Newark and Fremont were first to see this trend in the mid-East Bay. For example, the number of biotech firms in Newark doubled from 2017 to 2021, but there was little biotech activity in Hayward and San Leandro until 2021 when both neighboring cities reported high biotech interest. Newark has strengths, but biotech and other higher-value uses will go where they can find appropriately zoned properties because of the typically long lead-time for new development.

Newark can remain competitive for tax- and job-generating development in two ways. First, the city can initiate land use designations to attract developers who cannot wait for zoning changes. Second, the city's proactive Building Inspection Division services team helps time-sensitive developers secure tenant leases and openings on schedule. Both developers and tenants generate tax benefits, and city staff readiness and cooperation hasten the start of new tax payments, followed by years of revenue to the general fund. Therefore, staff will continue to advance land use proposals for a strong tax and jobs base, anticipating and defining technology and advanced manufacturing land uses, and supporting Building Inspection Division colleagues. This dual approach positions Newark well in a competitive regional economy.

Anticipating Other Support for Large Businesses

Although large businesses depend on the city's timely planning and building decisions, there are other issues where the city can be a constructive partner for these large companies. For example, employers are deeply concerned about the workforce needed to staff their operations, and whether employees can find affordable housing in the Bay Area. In Spring 2022 the new ARPA-funded initiative by the Newark Chamber of Commerce (Chamber) will reach leaders of Newark's large and midsize companies. The goal of this outreach is to understand corporate concerns and identify results-oriented work the Chamber could undertake to benefit the business community. This initiative is expected to be presented in collaboration with the Chamber at an upcoming City Council meeting.

Midsize Manufacturers and Suppliers to Manufacturers

This type of business often serves a critical role in the manufacturing sector because of the supply and service relationships with other companies. For example, a Newark plastics manufacturer serves a Hayward biotech firm, and both parties value the close geographic proximity that lets them respond fast to customer needs. Despite the importance of these midsize businesses, the city has not delivered economic development service or outreach to this sector. In calendar year 2022, that can change.

There are two new services for midsize manufacturers starting this calendar year, one through the East Bay Economic Development Alliance (EBEDA) and another through Spectrum Small Business Services. The purpose of both services is to strengthen midsize businesses, and increase the tax and job benefits they generate. Both are described below.

The EBEDA won federal CARES grant funding on behalf of partner cities of Alameda

and Contra Costa counties to serve East Bay businesses over the next two years. The grant provides funding for two kinds of technical assistance: (1) to boost manufacturing efficiency and competitive advantage, and (2) encourage and provide networking among manufacturers and suppliers to increase technical knowledge and strengthen business relationships.

EBEDA outreach to manufacturers begins in April 2022. At that time City staff will contact companies in this business sector both in person and by e-mail to explain the opportunity and to find out which companies are interested in learning more about either service. Staff will then make introductions to the grant–funded programs. Through this outreach model, the EBEDA hopes to reach manufacturers across the two-county area who are most interested in the services.

The second 2022 opportunity to serve midsize manufacturers comes through Spectrum Small Business Services' recently established subcontract with Mr. Tom Fulcher whose expertise is raising capital and identifying international markets for additional sales. His clients include midsize companies and manufacturers. Staff proposes introducing Mr. Fulcher through a series of one-on-one virtual meetings with select Newark companies and e-mails. The agenda is two-fold: (1) learn company needs and interests so staff can be of service to this sector; and, (2) determine which companies would benefit by either the EBEDA service or Mr. Tom Fulcher's expertise.

It is unknown at this time how many businesses will be interested in these benefits. Outreach will start slowly with the potential to grow. The City's existing Consulting Services Agreement (CSA) with Spectrum Small Business Services (Spectrum) is supported by general fund revenue. The CSA provides for subcontractors, and the current not-to-exceed amount allows Mr. Fulcher to begin working for a modest trial period, estimated at two to three months, without any added funding. Depending on business reaction to his expertise, staff expects to bring back a request for additional funding with better knowledge of midsize company needs.

Very Small Businesses / Sole Proprietors (Reported in Attachment A)
The report on Very Small Businesses and Sole Proprietors is provided in Attachment A. The attachment includes charts and information that can be more clearly presented in an attachment than in the staff report. The attachment explains services delivered and proposed, including the COVID-19 Grant Program for businesses with exceptional losses (ECGP), which delivered grants December 22, 2021 and February 11, 2022 to 82 businesses.

Hotels: Market Recovery and Transient Occupancy Tax
The City's eleven business-serving hotels and resulting Transit Occupancy Tax (TOT) are severely impacted by the prolonged drop in business travel caused by the pandemic. Hotel managers report that rooms sales are slowly recovering, while room rates lag due to lower demand compared to pre-pandemic calendar year 2019. In calendar years 2020 and 2021, with so little market demand, staff effort would have made little or no difference in hotel profitability. In calendar 2022, however, with increasing hotel occupancy, and the possibility of grant funding for the hotel industry, staff will proceed with a two-part approach:

1. Retain hotel industry experts familiar with the San Francisco Bay Area hotel market to assess both the regional market and the challenges of the Newark sub-market, and to meet with hotel general managers and sales directors to identify specific opportunities for the Newark market and for each hotel property.
2. Determine whether there is a role for the City, especially roles supported by federal and state pandemic recovery grants, to support Newark hotels and reestablish TOT.

A small hotel consulting team that provided services to the City in 2019 bid the cost and work described in the approach above. This team is familiar with Newark hotels and the hotel market. A CSA is in final stages now, and the City Manager has authority to sign it.

Retail Property Businesses: Research

Retail “anchor tenant” vacancies in Newark shopping centers are a long-standing concern of the community. For example, the buildings that were previously occupied by Orchard Supply Hardware and Mi Pueblo in the “Four Corners” shopping area at the intersection of Newark Boulevard and Jarvis Avenue have been vacant for many years. Concern is justified because vacancies are detrimental in several ways. Vacancies neither serve the community with goods and services nor attract customers that benefit neighboring retailers. Vacancies do not generate retail sales tax or compensate property owners, and they are comparatively costly and difficult to maintain.

These realities underscore how important and mutually beneficial it is for both property owners and cities to maintain successful, thriving retail centers. Centers are also important amenities that create a sense of community and well-being. Furthermore, well-positioned retail properties support other nearby retail tenants, too.

To fully explore the causes of these extended vacancies, the City hired retail consultant Greensfelder Commercial Real Estate to perform research of publicly available documents to understand the property management and development constraints that exist for shopping centers in the “Four Corners” shopping area. The work included obtaining and reviewing recorded such as covenants, conditions and restrictions (CC&R’s), title reports, easements, and parcel maps dating from the 1970's when these shopping centers were developed. The documents contain requirements and restrictions for shopping center owners and tenants. Examples of requirements and restrictions include limitations on the types of allowed retail tenants and parameters for physical changes to the center such as building height, automobile parking, and outdoor dining. These contractual constraints can make it challenging for property owners and real estate brokers to market and lease vacant buildings and reposition retail properties to make the sites attractive to tenants in changing market conditions. Greensfelder Commercial Real Estate completed its research in February 2022.

The research helps city staff understand opportunities and constraints at the “Four Corners” shopping centers. Staff can use the information to focus the City's retail support based on the limitations at each shopping center. Vacant buildings often require extensive remodeling to accommodate new tenants, but development

constraints at each center may limit physical improvements. An understanding of the development constraints will allow the City to provide developers with accurate project review processes and timelines for planning entitlements and building permits. A clear understanding of public sector processes and requirements can reduce private sector uncertainty and create a positive retail leasing environment. Knowing the shopping center limitations may prove especially useful in the current market where retail is undergoing significant contraction and change, potentially further complicated by the pandemic.

Therefore, staff recommends continuing and expanding this retail research to support realistic economic development initiatives for the City's other major shopping centers. The research will augment previously completed market studies performed by another consultant, Hurst Harrigan Associates, in 2020.

A specific consultant scope of work, budget, and timeline will be presented in a separate staff report that requests City Council approval of a consultant services agreement.

FISCAL IMPACT

This is an informational item and therefore no immediate fiscal impact at this time.

REVIEW AND APPROVAL

Prepared by – Anne Stedler, Economic Development Manager
Reviewed by – Steven Turner, Community Development Director
Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

Attachments

Attachment A

Presentation

Attachment A

Small and Very Small Sole Proprietor Businesses

A Section of the Informational Economic Development Report to City Council, March 24, 2022

In calendar years 2020 and 2021 Council approved and staff launched several support initiatives for very small businesses, typically sole proprietors, threatened by the pandemic and related business disruption. These are either ongoing or one-time initiatives. The initiatives are:

Pandemic Support Initiatives Continuing Today

1. Eviction Moratorium for Commercial Tenants - March 2020
2. Outdoor Dining with Reduced Restrictions & Rapid Approval - April 2020
3. Gift Newark e-Gift Cards - October 2020
4. Small Business Workshops and Advising for Financial Resiliency – October 2020
5. Restaurant Delivery Service Fee Cap at 15% - December 2020
6. ARPA funding for Old Town business support – November 2021

One-Time Grants

1. Newark CARES Small Business Grants ($200,000) - October 2020
2. Alameda County / EBEDA Small Business Grants ($190,000) - December 2020
3. Alameda County / EBEDA Small Business Grants ($140,000 match) - December 2020
4. Exceptional COVID-19 Grant Program (ECGP) ($1,500,000) – Winter 2021-22

The intent of city support is to reduce closures of otherwise viable businesses and to reduce harm to business owners who may be least able to recover from severe losses. This concern recognizes the role of the small business owner / sole proprietor in our community. Business owners provide goods and services and generate jobs and taxes. Each owner is also part of an interdependent ecosystem: a business closure is often a negative influence on nearby retailers and a financial loss to the property owner. Therefore, staff maintains an ongoing effort to reach and serve business owners in this sector.

In late 2020, the city contracted with Mr. Michael Cohen of Spectrum Small Business Services (Spectrum) for one-on-one advising and workshops to serve small businesses (typically with five or fewer employees). In November 2021, the contract was expanded to include the COVID-19 Grant Program for owners suffering exceptional losses (ECGP). This attachment describes the results of the services, details on the ECGP, and concludes with expectations and concerns for calendar year 2022.

As of February 2022, business requests for one-on-one advising have totaled nearly 112 hours divided among over 150 clients. The advising sessions also inform city staff about business concerns and priorities. In response to these owner concerns, Mr. Cohen developed two workshops and the ECGP. The three most significant small business problems are listed on the next page, with the response the city provided and the results. Quotes from businesses are interspersed to illustrate Newark business owners' perspective and reality.

1. **Problem**: From late 2020 through 2021, the concerns raised in one-on-one advising were almost entirely financial. Most owners were reeling from the pandemic and looking for advice on how to keep their businesses afloat.

   City Response: Design and teach the **Financial Resiliency workshop**: a 4-hour course over two days teaching basic financial statements. (4 languages)

   Result: 130 owners attended, including 105 who attended because it was required to receive an Exceptional COVID-19 grant. Most attendees were new to business financial analysis had an "ah-ha" moment during the workshop. Staff received positive comments, including the following:

   A business owner who has limited access to technology stated, *"I want to learn Excel, I want to do financial statements for my business!"*

   A restaurant owner said, *"Financial Resiliency helped me a lot. I have always gathered information for my tax preparer, but I have never known how to make sense of the numbers myself, how to use them to guide my business."*

2. **Problem**: The single greatest financial concern was repaying back rent.

   City Response: Design and teach the **Pandemic Debt Recovery workshop**, a 1-hour targeted training identified the repayment a business can support and keep operating. (4 languages)

   Result: 37 owners attended.
   One business owner said, *"This will really help me explain my proposal to my landlord."*
   A salon owner stated, *"You really help me, and you really help my community. I tell friends what Newark is doing, and they wish their business was in Newark."*

3. **Problem**: Businesses also expressed a dire need for financial assistance. Staff had data showing that businesses closed by public health orders for six or more months suffered exceptional financial losses and had less access to grants or loans. In addition, staff heard statements like these in June and July 2021:

   One salon owner said, *"I've stayed current on my salon rent. but I'm behind on my apartment rent. If I need to, I can sleep in my studio, but I cannot cut hair in my apartment. I am hoping the County will help me with my apartment rent."*

   Another owner said, *"I owe $50,000 through no fault of my own. If we are shut down again, I will close. I can't recover from more losses."*

   City Response: The **Exceptional COVID-19 Grant Program (ECGP)** was developed in the summer 2021, approved by City Council November 18, 2021 and funded at $1.5 million by the city's ARPA allocation. Any business could apply, but eligibility was limited to those making under $500,000 annually pre-pandemic. Applications were then ranked by approved criteria to reach businesses that had been closed six months or more by public

health orders, typically personal services providers, and / or had suffered 50% or more revenue losses between calendar years 2019 (pre-pandemic) and 2020.

Result: On December 22 and February 11, 2022, grants were mailed to eighty-two (82) applicants with the most exceptional losses. The average grant was $17,611; the average reported back rent owed was $16,270. 86% of recipients had already paid some rent out of personal savings.

The exceptional grant awards elicited deep gratitude, joy and relief. These quotes represent the emotion-packed responses from owners:

> One owner telephoned on Saturday, *"I want to thank you and tell you how much this grant means to me. I knew I was going to get the grant. But it just arrived, and I am holding the check in my hand, and it hits me all over again. This makes a big difference to me. I told my wife that this changes our life. I want to thank you and everyone who made this happen. Please tell everyone thank you."*
>
> One owner said in person, *"Now I can sleep at night."*
>
> One owner said in person, *"I am so happy, and my husband is so happy. He couldn't believe it [that we got a grant that big]. . ."*

Exceptional COVID-19 Grant Program Results and Metrics

Consultant Michael Cohen developed and administered the ECGP and compiled these results and applicant profiles. Especially noteworthy information is highlighted in yellow.

Number of eligible applicants	110
Number grants awarded	82
Total funds awarded	$1,444,100
Average grant award	$17,611
Approved budget remaining	$25,900

Problems and Challenges Reported by Applicants	Eligible Applicants (110)	Recipients (82)
Business closed for 6 months or more by regulation	69%	83%
Reported losing over 50% of revenue from 2019 to 2020	83%	89%
Reported they owed back rent	48%	48%
Average amount of back rent reported	$18,828	$16,270
Reported paying some rent from personal funds	82%	86%

Grants Awarded by Business Category	Number of Businesses	Total Value of Grants ($'s)
Hair Salons & Barbers	26	433,400
Day Care / Preschool	10	178,700
Spa & Skin Care	9	165,500
Nail Salons	9	159,000
Retail	6	96,600
Personal Fitness	5	97,000
Others	5	85,000
Dry Cleaners	3	60,000
Automotive Related	3	45,100
Massage	3	60,000
Food and Beverage	3	60,000
TOTAL	**82**	**$1,444,100**

Note that 64 of the 82 grants were awarded to owners in business categories that were closed by public health orders (table above): all cosmetology services, plus personal fitness and massage. The table below shows that 71% of grant recipients have been in business from 5 years to over 10 years.

Profile of Business Owners Served	Eligible Applicants (110)	Recipients (82)
Average Number of Years in Business		
Less than 1	2%	2%
1-2 years	7%	6%
3-4 years	22%	21%
5 -10 years	31%	27%
10 years and more	38%	44%
Preferred Language		
English	64%	65%
Vietnamese	15%	10%
Spanish	11%	17%
Mandarin	10%	8%
Gender		
Female	59%	68%
Male	41%	32%

How ECGP applicants reported they would use the grant funds

1. Pay back rent	**4.** Market their business
2. Pay employees	**5.** Pay other COVID-19-related debts
3. Purchase supplies	

Metrics on Small Business Closures City Wide – all Sectors

At the January 2021 presentation of the economic development report, council persons expressed concern that some businesses would close due to the pandemic and asked about the numbers of business closures. Nineteen businesses are known to have closed during the pandemic, and staff estimates the count is somewhat higher. Some closures were due to the stress of the pandemic, some to pre-existing challenges further aggravated by the pandemic, and some due to other causes. In a few cases, we know the business owner pivoted to do business in another way. For example, a hair salon owner became a chair holder in a colleague's salon. She is still working and serving her Newark clients.

Again, the intent of service to very small business owners is to reduce closures of otherwise viable businesses, and reduce harm to business owners who may be least able to recover from severe losses.

2022 Services for All Very Small Businesses, including but not limited to Personal Service Businesses

Workshops and one-on-one advising for very small business owners continue. Staff also makes periodic visits and calls to check in with owners. Currently, small business owners from all business categories (not only personal services) voice the following overall concerns. These are addressed in one-on-one advising and the workshops. The concerns include:

1. Managing cash flow
2. Replacing permanently lost employees/contractors
3. Restoring personal savings drawn down to keep their businesses afloat
4. Deciding to close a business generating losses instead of profit.

Threats also remain for the personal services providers, a subset of very small businesses. Some owners are experiencing reduced market demand for personal services due to changes in customer behavior. For example, some customers are working from home, or leaving the workforce, or moving from the region – all choices that may reduce appointments for personal services in Newark.

In addition, individual circumstances play a profound role in financial sustainability of a these very small personal services providers, particularly for owners who are the only source of support for their business and family, or who now commute from the Central Valley to lower their housing costs. Some owners have landlords who cannot or will not defer or reduce rents. Furthermore, if landlords recently purchased the shopping center the property taxes passed through to the tenant are much higher than when they signed the lease. Finally, some owners are unfamiliar with options to improve their situation, such as negotiating with landlords, creating another line of business, another way to make money, or seeking help from government or social services.

Staff is helping owners address these threats, using the Financial Resiliency training to assess the benefits and options available to each owner.

Summary

In summary, the Economic Development Division team wants to convey the thanks and gratitude small business owners expressed to the many people who made this uncommon service and grant program a reality: the councilmembers who directed these services and allocated funds, Finance Department staff who managed grant payments and checked business license records, Community Development staff Lina Tran and Sara Kerns who input grant payment requests, and Community Development Department Director Turner and City Manager Benoun.

We also thank the dedicated consultant staff at Economic Impact Catalyst (EIC) that provide a digital platform for economic development. Their commitment, fully equal to ours, automated small business information so the grant program could be accurately planned and targeted based on business need, then efficiently administered, with audit-ready records and metrics (included above).

The core team is the outstanding University Intern Shereen Turghun and small business expert and consultant Michael Cohen, mentioned often in the report and attachment.

Consultant Michael Cohen captured our sense of accomplishment when he said, “I think this is the first time in my career that a targeted recommendation was so quickly approved and so directly delivered to the people who need support. It is truly gratifying.”

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Economic Development Report to Council

March 24, 2022

Anne Stedler, Economic Development Manager

Michael Cohen, Owner, Spectrum Small Business Services

Three Big Ideas

1

Strong Bay Area economy

Large businesses

2

City services expanded by grant funds

Small businesses

3

"We're in this together… stronger, more connected."

- Resiliency
- Services
- Relationship

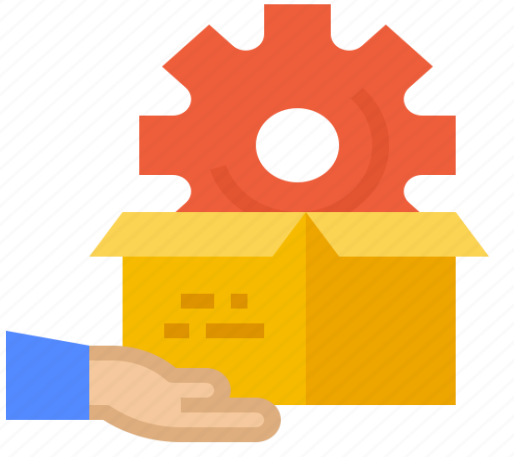


Business Services (Report & Attachment A)



Large Businesses

Over 100 employees



Mid-Size manufacturers and supplies

Under 100 employees



Small Businesses

Sole proprietors

Economy

Large Businesses



Strong leasing record

2021

Vacancy Rate Remains Low

Manufacturing under 5%

R & D under 3%

Tenants still looking



Demand across the East Bay

Economy

Large Businesses



Business Climate 2021

More tenants in buildings

2021 Continued Strong Leasing

1M sf

Projects Approved 2018

16%

or

160 K sf

remaining

July 2021

6 leases signed



Economy & City Services
Large Businesses





Business climate expectations 2022

Strong leasing interest anticipated

Motivated

- Tax revenue
- Good jobs
- Best marketing

City Service

From land use permits through building inspections

Services

Business Services by Michael Cohen

1



Council meeting November 18, 2021

2



Approved Exceptional COVID-19 Grant Program

3



Renewed contract workshops advising

New in 2022:

- Expand services to midsize businesses

Mid-Size Manufacturers / Suppliers Services

- Important economically
- No outreach historically by city

Two opportunities to bring value to this business category

SPECTRUM
SMALL BUSINESS SERVICES

Mr. Michael Cohen

EastBay
EDA

East Bay Economic Development Alliance (EBEDA) grant-funded services

SPECTRUM
SMALL BUSINESS SERVICES

Mid-Size Manufacturers / Suppliers 2022 Services

Mr. Tom Fulcher
Experienced professional

- Sources of capital for expansion
- Identify international markets to increase sales
- Expect – introduce and explore business interests and needs

Midsize Manufacturers/Suppliers 2022 Initiatives

East Bay Economic Development Alliance

- Federal CARES grant
  - Mid-size
  - East Bay
- Technical assistance
  - Competitive processes
- March 2022 outreach begins

Small Businesses Services 2020

Pandemic Support Initiatives Approved March – December 2020

Eviction moratorium for business



Outdoor dining

Rapid approval

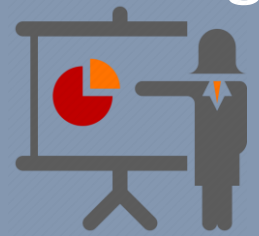


GiftNewark.com

eGift card



Workshops and one-on-one business advising



Restaurant delivery svc fee cap

15%



Small Business Services 2020 & 2021



One-Time Grants

Newark CARES Small Business Grants

October 2020

$5K

Lottery

Alameda County CARES Small Business Grants

December 2020

$5K

Lottery

Exceptional COVID-19 Grant

Winter 2021-22

Up to $20K

Criteria

Small Business Concerns 2021

Advising

- 162 clients
- 122 hours overall

Identified dominant concerns



Fear of business failure



Unmanageable debt



Need for cash

Small Business Services 2021



Workshop Results

Small Businesses, 2021

"It helped me a lot. I give my business numbers to my tax preparer, but I never knew how to make sense of the numbers to guide my business."

"I want to learn excel, I want to do Financial Statements for my business!"

"Now I can explain my situation to my landlord using numbers."

"This really helps me, and really helps my community. I tell friends what Newark is doing, and they wish their business was in Newark."

Increase capacity, introduce resources

Concern: Need Cash

Small Businesses, 2021

One salon owner said, *"I've stayed current on my salon rent. I am behind on my apartment rent. If I need to, I can sleep in my studio, but I cannot cut hair in my apartment. I am hoping the County will help me with my apartment rent."*

Another owner said, *"I owe $50,000 through no fault of my own. If we are shut down again, I will close. I can't go through this more than once."*



Small Business Services

2021 Grant Results

Exceptional COVID-19 Grant Program

- Criteria-based
- Up to $20K

- Applicants 146
- Eligible applicants 110
- Applicants granted 82
- Average grant award $17,611
  - Funds awarded $1,444,100

Approved budget remaining $25,900

Small Business Services

2021 Grant Results

Public Health Closure and Financial Losses	Recipients (82)
Shutdown for 6 months or more	83%
Reported losing more than 50% of revenue from 2019 - 2020	89%
Reported they owed back rent	48%
Average amount of back rent reported	$16,270
Reported paying some rent from personal funds	86%

Small Business Services
2021 Grant Recipient Response

Owners said in person:

“I am so happy, and my husband is so happy. He couldn’t believe it.”

“Now I can sleep at night.”

Small Business Services
2021 Grant Recipient Response

Owner called by phone on Saturday:

“I want to thank you and tell you how much this grant means to me.

“I knew I was going to get the grant. But it just arrived, and I am holding the check in my hand, and it hits me all over again. This makes a big difference to me. I told my wife that this changes our life. I want to thank you and everyone who made this happen. Please tell everyone thank you.”

Small Business Services Summary

2021 Year End

- Small retail / sole proprietor
- 19 Businesses closed

2022 Year Ahead

- Continue advising workshops
- Referrals

Hotel Properties - 2022



HOTELS

Recovery

Transient Occupancy Tax

- Occupancy rising
- Room rates still lag

Opportunity in Recovering Market



Business travel below 2019 levels

Project recovery & recommend initiatives

Potential grant funding

Retail Property Businesses - Research - 2022

Community Amenities & Tax Revenue

Concerns

- Vacancies
- Retail market

Retail assets

- Amenities
- Identity

Legal research

- Options / Constraints
- Approvals

Regulatory research

- Approval Path
- Time & Cost

Conclusion

Large Businesses

Thriving & Expanding

Strong Leasing Market



Mid-Sized Businesses

- Advising
- Technical Assistance

Small Businesses

- ECGP
- Advising
- Workshops

Proactively leveraging market forces

Building city-business relationships: capacity and access to resources

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Economic Development Report to Council

Q & A Comments

Anne Stedler, Economic Development Manager
Michael Cohen, Spectrum Small Business Services

STAFF REPORT

Item F. 2.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Jayson Imai, Assistant City Engineer
SUBJECT	Overview of the 2022-2024 Capital Improvement Plan

RECOMMENDATION

Staff recommends that the City Council receive the overview presentation on the 2022-2024 Capital Improvement Plan. This item is informational only.

EXECUTIVE SUMMARY

This informational item provides an overview of the 2022-2024 Capital Improvement Plan, summary of projects submitted for consideration, prioritization criteria for project selection, and available funding sources.

BACKGROUND

As part of the preparation of the 2022-2024 Biennial Budget and Capital Improvement Plan, the Public Works Department is coordinating the development of the Capital Improvement Plan (CIP) budget component. The CIP development process commenced in November 2021 with a Call for Projects sent out to all City departments. Projects submitted for consideration in response to the Call for Projects have been compiled and reviewed by staff. This informational item is intended to provide a summary of the projects submitted for consideration, prioritization criteria for project selection, and available funding sources.

The general purpose of the CIP component of each Biennial Budget is to identify and prioritize capital improvement projects for potential funding. Projects can include streets, park and building construction as well as specific maintenance projects for existing infrastructure. Feasibility studies and master plans to help identify and quantify future projects are also typically included in the CIP. Acquisitions of new equipment that would fall outside of a department's operating budget may also be included. In general, any project as defined above with an expenditure of $5,000 or more is included in the CIP.

In addition to ensuring that projects submitted for consideration satisfy at least one of the five critical issues from the City's Strategic Plan, projects are categorized into three priority levels, as follows:

Priority Level 1 (Mandatory): Projects that meet a federal, State, or local legal or

regulatory requirement, satisfy a critical risk management issue to ensure public safety, or serve to preserve and protect the City's existing assets and public infrastructure.

Priority Level 2 (Necessary): Projects that are considered necessary but not mandatory as they would not clearly address a critical legal, safety, or asset-projection need. Projects at this level could be funded by a consensus priority opinion of the City Council for the benefit of the community. This can also include projects that would provide a local match for outside funding sources, provide a definitive service level increase, or would complete the final phase of a multi-phased project. Feasibility studies and master plans are also categorized as Priority Level 2.

Priority Level 3 (Desirable): All other projects that do not satisfy Level 1 or Level 2 criteria.

DISCUSSION/ANALYSIS

A total of approximately $5.0M of new and previously unfunded Capital Fund projects were submitted for consideration for funding with the 2022-20224 CIP. After final reconciliation and accounting for expenditures associated with the New Civic Center project and general reimbursements from other previously completed projects, the Capital Fund will be depleted. In order to provide sufficient funding for all previously approved projects, new projects submitted fort he 2022-2024 CIP and a Capital Fund reserve of approximately $2.0M, a transfer of approximately $12.8M to the Capital Fund would be needed. There is currently sufficient funds in the Measure GG reserves and unallocated reserves to establish the necessary Capital Fund balance by June 30, 2022.

Gas Tax funds, which are a combination of local transportation sales tax measures and fees (Measure BB and Vehicle Registration Fee), State Highway Users Tax Accounts (HUTA) and the Road Maintenance and Rehabilitation Act (RMRA or "SB1") funding, will result in projected annual revenue of approximately $4.0M for Fiscal Year 2022-2023 and $4.3M for Fiscal Year 2023-2024. Gas Tax funding must be used within the public right-of-way for transportation related improvements and maintenance.

A "first cut" review of all CIP projects submitted for consideration will be completed by the Executive Team in early April. A formal review of the Draft CIP, including recommended project rankings, is scheduled to be presented to the City Council in May.

FISCAL IMPACT

There is no fiscal impact. This is an informational item only.

REVIEW AND APPROVAL

Prepared by – Jayson Imai, Assistant City Engineer
Reviewed by – Soren Fajeau, Public Works Director
Reviewed by – Kristopher J. Kokotaylo, Interim City Attorney
Approved by – David J. Benoun, City Manager

Attachments

Presentation

2022-2024 Capital Improvement Plan

Overview

March 24, 2024

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2022-2024 Capital Improvement Plan

Agenda

1. Overview of CIP Process
2. CIP Selection Methodology
3. CIP Funding Summary
4. Projects Submitted for Consideration
5. Next Steps

Capital Improvement Plan

PROCESS OVERVIEW

Identify and Prioritize Capital Improvement Projects for Potential Funding

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Types of Projects in the CIP

- Streets, Parks, and Buildings
- Feasibility Studies and Master Plans
- New Equipment Purchases

Projects or Purchases of $5,000 or more

Capital Improvement Plan

PROCESS OVERVIEW

CIP Schedule for Review and Approval

1. Call for Projects
2. Staff Evaluation of Projects Submitted
3. ***City Council Overview of Submitted Projects***
4. Executive Team Review/Ranking of Projects (March)
5. Executive Team Review of Draft CIP (April)
6. City Council Review of Draft CIP (late April)
7. Draft CIP to Planning Commission (early May)
8. Biennial Budget/CIP City Council Work Session (May)
9. Recommended City Council Approval of Biennial Budget and CIP (late May – June)

Capital Improvement Plan

PROCESS OVERVIEW

Project Selection Methodology

Evaluation of Critical Issues

Evaluation of Project Prioritization Criteria

- Priority Level 1 (Mandatory)
- Priority Level 2 (Necessary)
- Priority Level 3 (Desirable)

Evaluation of Available Funding Sources

Review of staffing and maintenance impacts

Project Funding

MAJOR FUNDING SOURCES FOR THE 2022-2024 CIP

Gas Tas Funds	Capital Funds	Park Impact Fees	Outside Funding
$8.4M for two-year period	Transfer from Measure GG and Unallocated General Funds	$3.6 M Current Balance	Transportation and Other Grant Funds

Gas Tax Funds

FUND SOURCES



- Highway Users Tax Account (HUTA)
- Road Maintenance Rehabilitation Account/Senate Bill 1 (RMRA/SB1)
  - ➢ Over $2.5M per year

- Measure BB Direct Distributions
  - ➢ $1.3M per year

- Vehicle Registration Fee (VRF) Direct Distributions
  - ➢ $195,000 per year

Total Over $4M per year

Capital Funds





Derived from Budget Surpluses & Impact Fees



Reconciliation of Civic Center Project Budget

Use of Measure GG Funds & Unallocated Reserves



Park Impact Fees



Balance as of 6/30/2020

$150,000

Current Balance

$3,632,700

Outside Funding

Transportation Grant Funds

TDA Transportation Development Act Article 3

$40,000/year

TFCA Transportation Fund for Clean Air

$452,000

Discretionary Measure BB Funds

OBAG3 One Bay Area Grant Program

Other Grant Funds

State Grant Funds

CDBG Community Development Block Grants



New Gas Tax Projects Submitted

Annual Street Maintenance Projects	Estimated Cost
Street Asphalt Concrete Overlay Program (2022 and 2023)	$ 3,250,000
Curb, Gutter and Sidewalk Replacement (2022 and 2023)	$ 750,000
Street Tree Maintenance	$ 525,000
Citywide Accessible Pedestrian Ramps (2022 and 2023)	$ 130,000
Traffic Calming Measures (2022 and 2023)	$ 160,000
Thermoplastic Street Striping (2022 and 2023)	$ 40,000
TOTAL	**$ 4,855,000**

New Gas Tax Projects Submitted

Standalone Street Improvement Projects	Estimated Cost
Arterial Landscape Median Upgrade	$ 460,000
Central Avenue Median Sidewalk Improvements – Design	$ 250,000
Central Ave Median Sidewalk Improvements – Construction	$ 1,200,000
Thornton Ave I-880 Interchange Landscape Upgrades	$ 250,000
Traffic Signal Interconnect – Cherry St (Thornton to Stevenson)	$ 125,000
Traffic Signal Interconnect – Newark Blvd (SR 84 to Civic Ter)	$ 175,000
Traffic Signal Interconnect – Thornton Ave (Sycamore to Cedar)	$ 150,000
Lindsay Tract Roadway & Drainage Improvements	$ 2,400,000
TOTAL	**$ 5,010,000**

Gas Tax

NEW PROJECTS SUBMITTED

Total Costs ALL STREET PROJECTS

	Total Cost
Annual Street Maintenance Projects	$ 4,855,000
Street Improvement Projects	$ 5,010,000
TOTAL	**$ 9,865,000**

Total Projected Gas Tax Funds

$ 8,430,000

New Capital Fund Projects

MAINTENANCE PROJECTS

	Estimated Cost	
Service Center Fuel Island Replacement	$	1,000,000
Service Center New Brick Wall	$	120,000
Service Center Replacement of Skylights	$	100,000
Service Center Replace Generator	$	80,000
Service Center New Camera System	$	80,000
Service Center Replace Tire Changer	$	25,000
Fire Station Nos. 27 & 29 Replace Generators	$	90,000
Fire Station No. 27 Replace Exhaust System	$	80,000
Citywide Tree Pruning & Removal	$	250,000
Community Park Well & Pump Replacement	$	165,000
Engineered Wood Fiber at Playgrounds	$	80,000
TOTAL	**$**	**2,070,000**

New Capital Fund Projects

NEW VEHICLES

	Estimated Cost
Public Works Maintenance Street Sweeper	$ 260,000
Public Works Maintenance Dump Truck	$ 80,000
Public Works Maintenance Tractor Topdressing Implement	$ 28,000
Fire Department Pumper Engine	*Equipment Replacement*
Police Department Polaris Utility Vehicle	$ 12,500
Mobile Recreation Van	$ 70,000
TOTAL	**$ 450,500**

New Capital Fund Projects
OPERATIONS

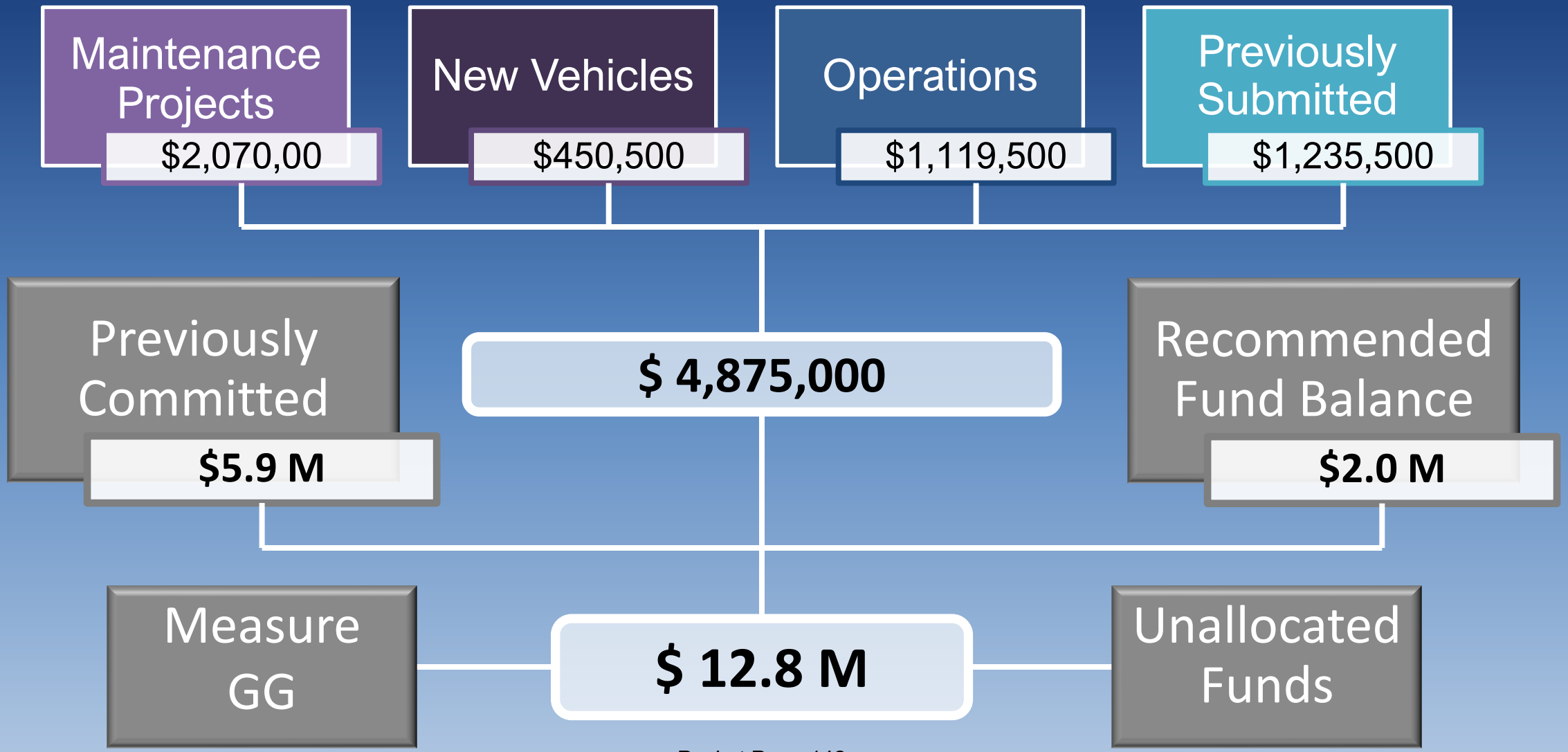
	Estimated Cost	
Police Crime & Collision Scene Investigation Scanner	$	84,000
Police Risk Management Program	$	7,500
Police Volunteers Radios	$	20,000
Aquatic Center UV Sanitation System	$	200,000
Aquatic Center Obstacle Course Systems	$	500,000
Silliman Center Preschool Playground Renovation	$	300,000
Recreation Inflatable Outdoor Movie System	$	8,000
TOTAL	**$**	**1,119,500**

Capital Fund Projects

PREVIOUSLY REQUESTED UNFUNDED

	Estimated Cost	
Fire Station 27 Roofing	$	55,000
Fuel Management System Replacement	$	75,000
Newark Community Park Restroom Restoration	$	60,000
Service Center Buildings Painting	$	80,000
Service Center Clean Water Requirements	$	95,000
Service Center Fuel Pump Island Drainage Systems	$	80,000
Service Center Fuel Tank Canopy	$	140,000
Service Center Rear Garage Overhang Repairs	$	75,000
Service Center Waste Disposal Upgrades	$	275,000
Silliman Center Light Control Board	$	50,000
Silliman Center Water Tanks/Heater Replacement	$	100,000
Citywide Geographic Information System Phase 2	$	150,000
TOTAL	**$**	**1,235,000**

Capital Fund Projects



Park Projects

Park Impact Fees

$ 3,633,000

Submitted Park Improvement Projects

	Estimated Cost
Sportsfield Park Additional Netting	$ 50,000
Lakeshore Park Restroom	$ 350,000
Sanctuary Park Improvements	*TBD*
TOTAL	**$ 400,000**

Citywide Parks Master Plan Projects

	Estimated Cost
Sportsfield Park Phase 2 Improvements	$ 2,5000,000
Ash Street Park Sports Facilities	$ 95,600
TOTAL	**$ 2,595,600**

Capital Improvement Plan

NEXT STEPS

- Executive Team Review and Ranking of Projects (March)
- City Council Review of Draft CIP (late April)
- Draft CIP to Planning Commission (May)
- Biennial Budget/CIP
  City Council Work Session (May)
- Recommended City Council Approval
  Biennial Budget and CIP (late May – June)

STAFF REPORT

Item G. 1.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Alan L. Nagy, Mayor
SUBJECT	Resolution approving re-appointments to the Newark Senior Citizens Standing Advisory Committee and the Measure GG Oversight Committee

Members of the Newark Senior Citizen Standing Advisory Committee have two year terms that expire on April 14, 2022. Rick Arellano, Sandra Arellano, Stanley Keiser, Elwood "Woody" Ballard, Olga Borjon, and Susan Johnson have each requested a reappointment of two years.

Members of the Measure GG Oversight Committee have four year terms that expire on April 12, 2022. Michael Marzano, Elizabeth Macris, and Jacinta Arteaga have each requested a reappointment of four years.

Mayor Nagy has authorized the re-appointments which should be confirmed by the City Council via resolution.

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING REAPPOINTMENTS TO THE SENIOR CITIZEN STANDING ADVISORY COMMITTEE AND THE MEASURE GG OVERSIGHT COMMITTEE

WHEREAS, the two year appointments of Rick Arellano, Sandra Arellano, Stanley Keiser, Elwood “Woody” Ballad, Olga Borjon and Susan Johnson to the Senior Citizen Standing Advisory Committee will expire on April 14, 2022; and

WHEREAS, the four year appointments of Michael Marzano, Elizabeth Macris, and Jacinta Arteaga will expire on April 12, 2022; and

WHEREAS, the Mayor of the City of Newark has reappointed Rick Arellano, Sandra Arellano, Stanley Keiser, Elwood “Wood” Ballad, Olga Borjon and Susan Johnson to the Senior Citizen Standing Advisory Committee for terms expiring April 14, 2024;

WHEREAS, the Mayor of the City of Newark has reappointed Michael Marzano, Elizabeth Macris, and Jacinta Arteaga to the Measure GG Oversight Committee for terms expiring April 12, 2026;

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

STAFF REPORT

Item H. 1.

DATE	03/24/2022
TO	Honorable Mayor and City Council Members
FROM	Jennifer Solito, Human Resources Director
SUBJECT	Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: City Manager Benoun, Assistant City Manager Hovorka, and Human Resources Director Solito; Employee Groups: the Newark Association of Miscellaneous Employees; the Newark Police Management Association; the Newark Police Association; the Confidential Employee Group; and City Officials and the Management, Supervisory, and Professional Employee Group.