



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, July 14, 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. Introduction of employees
2. Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival

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 June 23, 2022, special and regular meeting minutes

3. 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 July 14 Pursuant to AB 361

E. PUBLIC HEARINGS

1. Hearing to consider property owners' objections and adopt a resolution confirming the Superintendent of Streets' Report concerning weed abatement assessments

F. OTHER BUSINESS

1. Presentation of City of Newark Quiet Zone Study
2. Introduction of an Ordinance amending Chapter 2.09 of the Newark Municipal Code ("City Councilmembers-Salaries") to increase the salaries of City Councilmembers and Mayor by ten percent (10%)

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.

H. CLOSED SESSION

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/UC383NGSxaPwZP1IkJbo2T8A>
Copy/paste the YouTube URL into your browser if the link does not automatically open.

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

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/82672517447>

From a telephone dial 1- 669-900-9128, Webinar ID 826 7251 7447

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 07/14/2022
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Introduction of employees

The following employees will be introduced at the City Council meeting:

Rebecca “Becca” Hicks, Recreation Coordinator at the Newark Senior Center
Alysia Reyes, Junior Engineer



STAFF REPORT

Item B. 2.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival

The Portuguese Fraternal Society of America Council No. 16 will celebrate the annual Holy Ghost Festival and their anniversary in the City of Newark on July 23 and 24, 2022. Representatives from the Portuguese Fraternal Society will be at the City Council meeting to accept a proclamation.

Attachments

Proclamation No. 1875

PROCLAMATION NO. 1875

PORTUGUESE FRATERNAL SOCIETY OF AMERICA COUNCIL NO. 16
99th ANNIVERSARY

WHEREAS, the Annual Newark Pavilion/Portuguese Fraternal Society of America (P.F.S.A.) Council No. 16 Holy Ghost Festival will be celebrated in Newark on July 23-24, 2022; and

WHEREAS, this event will also be the celebration of the Society's 99th Anniversary in the City of Newark; and

WHEREAS, the early members of P.F.S.A. were involved in and contributed greatly to the development of the City of Newark; and

WHEREAS, these early members of P.F.S.A. established the Holy Ghost Festival, thus preserving their Portuguese homeland traditions and sharing those traditions with all Newark residents; and

WHEREAS, the City of Newark wishes to join the Portuguese community of Newark in the celebration of their 99th Anniversary of the Annual Newark Pavilion/P.F.S.A. Council No. 16 Holy Ghost Festival;

NOW, THEREFORE, I, Alan L. Nagy, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim July 23-24, 2022, as days of celebration of the

PORTUGUESE FRATERNAL SOCIETY OF AMERICA COUNCIL NO. 16
99th ANNIVERSARY

and ask all citizens of the City of Newark to join in celebration of this event and in celebration of the rich cultural history that our Portuguese community shares with all residents of Newark.

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 Fourteenth Day of July, Two Thousand Twenty-two.

ALAN L. NAGY
Mayor



STAFF REPORT

Item D. 1.

DATE 07/14/2022
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: 06/16/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/16/2022	5947	Accounts Payable	PRINTS CHARLES REPROGRAPHICS		107.56
	Invoice		Date	Description		Amount
	108361		05/24/2022	PLOTTER SUPPLIES		107.56
Check	06/16/2022	5948	Accounts Payable	AFLAC		920.48
	Invoice		Date	Description		Amount
	391031		05/12/2022	AFLAC - MAY PREMIUMS		920.48
Check	06/16/2022	5949	Accounts Payable	FRANCISCO AGUIRRE		330.64
	Invoice		Date	Description		Amount
	061422EXP		06/14/2022	BOOT REIMBURSEMENT 6/14/2022		330.64
Check	06/16/2022	5950	Accounts Payable	ALAMEDA COUNTY EMS AGENCY		1,500.00
	Invoice		Date	Description		Amount
	22-0005		05/09/2022	PUBLIC SAFETY TRAINING PROGRAM		1,500.00
Check	06/16/2022	5951	Accounts Payable	ALAMEDA COUNTY WATER DISTRICT		2,642.41
	Invoice		Date	Description		Amount
	0401-053122		06/01/2022	HYDRANTS WATER SERVICE 04/01/22-05/31/22		2,642.41
Check	06/16/2022	5952	Accounts Payable	ALPINE AWARDS INC		2,569.81
	Invoice		Date	Description		Amount
	5550912		05/26/2022	NAME BADGES FOR STAFF		85.60
	5551109		06/09/2022	PST STAFF LOGO SWEATSHIRTS AND HATS		2,484.21
Check	06/16/2022	5953	Accounts Payable	WARREN ANTIDA		320.86
	Invoice		Date	Description		Amount
	060622EXP		06/06/2022	BOOT REIMBURSEMENT 06/06/22		320.86
Check	06/16/2022	5954	Accounts Payable	BAIRD + DRISKELL COMMUNITY PLANNING		5,348.75
	Invoice		Date	Description		Amount
	1311		05/18/2022	ON-CALL PLANNING SERVICES (JAN 2022-APR 2022		5,348.75
Check	06/16/2022	5955	Accounts Payable	BAY CENTRAL PRINTING		128.54
	Invoice		Date	Description		Amount
	192117		05/25/2022	BUSINESS CARD IMPRINTING - BRITAIN JACKMAN		64.27
	191972		05/12/2022	BUSINESS CARDS FOR JENNIFER SOLITO		64.27

Check	06/16/2022	5956 Accounts Payable	K. BROOKS STRATEGIES		14,000.00
	Invoice	Date	Description	Amount	
	6.10.22	06/10/2022	CONSULTANT SERVICES FOR CHAMBER OF COMMERCE		
Check	06/16/2022	5957 Accounts Payable	CAL PERS	14,000.00	
	Invoice	Date	Description	Amount	
	6496722114-007	06/08/2022	CERBT CONTRIBUTION FOR FY2021-22	570,000.00	
Check	06/16/2022	5958 Accounts Payable	BRYAN COBB	7.90	
	Invoice	Date	Description	Amount	
	0504-053122EXP	05/31/2022	MILEAGE REIMBURSEMENT FOR 5/4-5/31	7.90	
Check	06/16/2022	5959 Accounts Payable	COMCAST	492.95	
	Invoice	Date	Description	Amount	
	0522-062122SIL	05/17/2022	MONTHLY CABLE SERVICE 05/22-06/21/22		
Check	06/16/2022	5960 Accounts Payable	DELTA DENTAL OF CALIFORNIA	492.95	
	Invoice	Date	Description	Amount	
	BE004992166	06/01/2022	DELTA DENTAL PPO - JUNE PREMIUMS	17,626.24	
Check	06/16/2022	5961 Accounts Payable	DELTA DENTAL INSURANCE COMPANY	113.73	
	Invoice	Date	Description	Amount	
	BE004990337	06/01/2022	DELTA CARE - JUNE PREMIUMS	113.73	
Check	06/16/2022	5962 Accounts Payable	DEPARTMENT OF JUSTICE	610.00	
	Invoice	Date	Description	Amount	
	583895	06/03/2022	FINGERPRINTING FEES- 05/22		
Check	06/16/2022	5963 Accounts Payable	ELK GROVE AUTO GROUP	610.00	
	Invoice	Date	Description	Amount	
	22386	05/17/2022	2021 DODGE CHARGER PURCHASE	38,549.78	
Check	06/16/2022	5964 Accounts Payable	ESA	35,292.51	
	Invoice	Date	Description	Amount	
	174949	06/08/2022	HOUSING ELEMENT UPDATE PREPARATION (MAY 2022)	35,292.51	
Check	06/16/2022	5965 Accounts Payable	EQUIFAX INFORMATION SVCS LLC	50.00	
	Invoice	Date	Description	Amount	
	2052415379	05/26/2022	CREDIT BUREAU REPORT FEES - 05/26/22	50.00	
Check	06/16/2022	5966 Accounts Payable	EWING IRRIGATION PRODUCTS INC.	1,930.15	
	Invoice	Date	Description	Amount	
	16422723	04/04/2022	IRRIGATION SUPPLIES	1,804.59	
	16422752	04/04/2022	IRRIGATION SUPPLIES	125.56	
Check	06/16/2022	5967 Accounts Payable	FIDELITY SECURITY LIFE INSURANCE/EYEMED	2,262.64	
	Invoice	Date	Description	Amount	
	165290936	06/02/2022	EYE MED - JUNE PREMIUMS		
	165280801	06/02/2022	EYE MED - COBRA (JUNE PREMIUMS)	2,203.45	
Check	06/16/2022	5968 Accounts Payable	FREMONT ALARM	59.19	
	Invoice	Date	Description	Amount	
				183.98	

Invoice	Date	Description	Amount
41263	06/13/2022	ALARM SERVICE - 2ND CHANCE	183.98
06/16/2022	5969 Accounts Payable	ANGELA GALLEGOS-CASTILLO	3,850.00
Invoice	Date	Description	Amount
1	06/09/2022	030722-052722 CONSULTING SERVICES FOR PROMOTORES AND FRC	3,850.00
06/16/2022	5970 Accounts Payable	GHA TECHNOLOGIES, INC.	21,873.00
Invoice	Date	Description	Amount
101218238	05/26/2022	KNOWBE4 SECURITY AWARENESS TRAINING	21,873.00
06/16/2022	5971 Accounts Payable	GREENSFELDER COMMERCIAL REAL ESTATE LLC	12,730.00
Invoice	Date	Description	Amount
NEWARK 22-03	03/31/2022	URBAN PLANNING, REAL ESTATE ADVISORY, & IMPLEMENTATION	12,730.00
06/16/2022	5972 Accounts Payable	JOEL NELSON PRODUCTIONS	16,575.00
Invoice	Date	Description	Amount
101	06/09/2022	052622-062422 INITIAL & JUNE PAYMENT FOR MUSIC AT THE GROVE	16,575.00
06/16/2022	5973 Accounts Payable	MANUEL FERNANDEZ CONSTRUCTION	2,505.17
Invoice	Date	Description	Amount
2020134	05/24/2022	FIRE STATION - TILE	2,505.17
06/16/2022	5974 Accounts Payable	MISSION LINEN SUPPLY - UNIFORM	3,527.94
Invoice	Date	Description	Amount
MAY 22	05/31/2022	UNIFORM PURCHASE 05/01/22-05/31/22	3,527.94
06/16/2022	5975 Accounts Payable	NATIONAL AQUATIC SERVICES, INC.	1,159.42
Invoice	Date	Description	Amount
2017-4633	06/06/2022	120V 1-HEAD CLASSIC PUMP	1,159.42
06/16/2022	5976 Accounts Payable	NEWARK UNIFIED SCHOOL DISTRICT	140.00
Invoice	Date	Description	Amount
INV22-00105	05/24/2022	PRINT GRAND OPENING PROGRAM MAY 2022	140.00
06/16/2022	5977 Accounts Payable	NXTWO	5,000.00
Invoice	Date	Description	Amount
NEW1.22	06/09/2022	MARKETING GRAPHIC DESIGN	5,000.00
06/16/2022	5978 Accounts Payable	OCCUPATIONAL HEALTH CENTERS OF CALIFORNIA	189.00
Invoice	Date	Description	Amount
75593953	06/01/2022	PRE-EMPLOYMENT/ DOT PHYSICALS 06/01-06/07	189.00
06/16/2022	5979 Accounts Payable	PACIFIC GAS & ELECTRIC	26,759.69
Invoice	Date	Description	Amount
7786-042122	04/21/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (3/17/22-4/15/22)	25,190.06
1859-060622	06/06/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/29/22-5/30/22)	1,041.48
3926-060622	06/06/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/29/22-5/30/22)	95.10
0870-060722	06/07/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/30/22-5/31/22)	79.20
9045-060322	06/03/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/27/22-5/25/22)	178.70

Check	0552-060322	06/03/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/28/22-5/26/22)		73.79
	2305-060322	06/03/2022	ELECTRICITY CHARGES FOR STREET/TRAFFIC LIGHTS (4/27/22-5/25/22)		101.36
	06/16/2022	5980 Accounts Payable	WILLE ELECTRIC SUPPLY CO., INC		109.64
	Invoice	Date	Description		Amount
Check	S2088378.001	05/24/2022	LIGHTS		109.64
	06/16/2022	5981 Accounts Payable	SEIFEL CONSULTING INC		27,800.00
	Invoice	Date	Description		Amount
Check	12773	05/23/2022	AFFORDABLE HOUSING LIVE/WORK POLICY STUDY		27,800.00
	06/16/2022	5982 Accounts Payable	STAPLES		910.75
	Invoice	Date	Description		Amount
Check	8066271101	05/15/2022	OFFICE SUPPLIES		910.75
	06/16/2022	5983 Accounts Payable	TARGET SPECIALTY PRODUCTS		3,722.31
	Invoice	Date	Description		Amount
Check	INVP500808143	05/23/2022	PESTICIDES		3,722.31
	06/16/2022	5984 Accounts Payable	TEMPERATURE TECHNOLOGY INC.		6,057.96
	Invoice	Date	Description		Amount
Check	1021-1573	05/09/2022	SILLIMAN HVAC REPAIRS		2,521.20
	1021-1569	05/09/2022	SILLIMAN HVAC REPAIRS		3,036.76
	1021-1584	05/23/2022	SILLIMAN HVAC REPAIRS		500.00
Check	06/16/2022	5985 Accounts Payable	URBAN PLANNING PARTNERS, INC.		440.00
	Invoice	Date	Description		Amount
Check	21009-220430	05/23/2022	TASK ORDER 1 - AFFORDABLE HOUSING (APR 2022)		440.00
	06/16/2022	5986 Accounts Payable	BOSCO OIL INC DBA VALLEY OIL		33,673.36
	Invoice	Date	Description		Amount
Check	115036	05/24/2022	FUEL FOR FLEET 5/24/22		33,673.36
	06/16/2022	5987 Accounts Payable	VAN DERMIDEN MAKUS LAW CORPORATION		9,648.44
	Invoice	Date	Description		Amount
Check	19512	01/12/2022	INVESTIGATION SERVICES FEES		9,648.44
	06/16/2022	5988 Accounts Payable	TORQUEMARA , HAROLD BRUCE		1,000.00
	Invoice	Date	Description		Amount
EFT	2021-2843	06/09/2022	ENCP2020-0133 RFND		1,000.00
	06/16/2022	307 Accounts Payable	SPECTRUM SMALL BUSINESS SERVICES, 325084426 / 5348560846 LLC		2,066.00
	Invoice	Date	Description		Amount
AP ZBA ACCOUNTS PAYABLE Totals:					\$874,726.61
06152022-GENERAL					2,066.00
06/15/2022					CONSULTING AND REFERRALS TO BUSINESS SUPPORT AGENCIES-3RD AMEND
Transactions: 43					
Checks:					\$872,660.61
EFTs:					\$2,066.00

LIVE Newark CA LIVE

Void Payment - Reissue Check Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/16/2022

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	05/19/2022	5760	Accounts Payable	ARTEMIS SELF DEFENSE, LLC		Check	5989	12,047.96
AP ZBA ACCOUNTS PAYABLE Totals:				Transactions: 1				\$12,047.96
Checks:				1	\$12,047.96			

LIVE Newark CA LIVE
Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/23/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/23/2022	5990	Accounts Payable	ACCESS		180.00
	Invoice			Description		Amount
	9448742		05/31/2022	SHREDDING SVCS MAY 2022		180.00
Check	06/23/2022	5991	Accounts Payable	AIR EXCHANGE, INC.		255.22
	Invoice			Description		Amount
	91607270		05/31/2022	FIRE STATION 29 MAINT AND REPAIR		255.22
Check	06/23/2022	5992	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		5,775.12
	Invoice			Description		Amount
	78045		06/01/2022	SCHOOL CROSSING GUARD SVCS 05/15-05/28/22		5,775.12
Check	06/23/2022	5993	Accounts Payable	AT&T		181.12
	Invoice			Description		Amount
	2300-060122		06/01/2022	CHARGES FOR CAPTION LISTINGS & CIRCUITS- 6/1 - 6/30/22		181.12
Check	06/23/2022	5994	Accounts Payable	BAY CENTRAL PRINTING		128.54
	Invoice			Description		Amount
	192193		06/03/2022	BUSINESS CARD IMPRINTING - DAVID PARKS		64.27
	192174		05/31/2022	REMAINING FY 21/22 BUSINESS CARDS (CARMELISA LOPEZ)		64.27
Check	06/23/2022	5995	Accounts Payable	CENTRAL SQUARE TECHNOLOGIES, LLC		52,237.00
	Invoice			Description		Amount
	355379		06/01/2022	TRAKIT UPGRADE FEES DUE UPON CONTRACT EXECUTION		52,237.00
Check	06/23/2022	5996	Accounts Payable	APRO LLC		155.00
	Invoice			Description		Amount
	050122-053122		05/31/2022	PATROL VEHICLE CLEANING MAY 2022		155.00
Check	06/23/2022	5997	Accounts Payable	CITY OF UNION CITY		14,159.84
	Invoice			Description		Amount
	2022-0513		06/08/2022	50% OF EMERGENCY SERVICES COORDINATORY SALARY MAY 2022		7,011.17
	2022-0514		06/08/2022	50% OF EMERGENCY SERVICES COORDINATORY SALARY JUNE 2022		7,148.67
Check	06/23/2022	5998	Accounts Payable	CLEARGOV INC.		3,554.00
	Invoice			Description		Amount
	2022-11903		06/01/2022	DIGITAL BUDGET BOOK SUITE 06/01/22-05/31/23		3,554.00
Check	06/23/2022	5999	Accounts Payable	COUNTY OF ALAMEDA		50.00

Invoice	Date	Description	Amount
PRJ1254	06/16/2022	NOTICE OF EXEMPTION HANDLING FEE - 1254	50.00
Check 06/23/2022	6000 Accounts Payable	ALAMEDA COUNTY	7,911.00
Invoice	Date	Description	Amount
IN0321682	05/26/2022	CUPA DUES - SERVICE CENTER 5/26/22	4,988.00
IN0321749	05/26/2022	CUPA DUES - FIRE STATION #27	985.00
IN0321750	05/26/2022	CUPA DUES - FIRE STATION #28	953.00
IN0321748	05/26/2022	CUPA DUES - FIRE STATION #29	985.00
Check 06/23/2022	6001 Accounts Payable	ALAMEDA COUNTY INFORMATION TECHNOLOGY DEPARTMENT	3,399.50
Invoice	Date	Description	Amount
112-2205036	06/15/2022	AWS ACCESS FEES MAY'22	3,399.50
Check 06/23/2022	6002 Accounts Payable	DAILY JOURNAL CORPORATION	415.00
Invoice	Date	Description	Amount
B3595169	06/15/2022	PH NOTICES FOR FY 21/22 - CONTRACT 21018	111.25
B3592057	06/07/2022	LEGAL ADVERTISING PH BUDGET COP	57.50
B3592060	06/07/2022	LEGAL ADVERTISING PH LANDSCAPE AND LIGHTING	246.25
Check 06/23/2022	6003 Accounts Payable	DELL MARKETING L.P.	1,691.55
Invoice	Date	Description	Amount
2008093900257	06/16/2022	COMPUTER EQUIPMENT & MICROSOFT 365	1,691.55
Check 06/23/2022	6004 Accounts Payable	DMV RENEWAL	54.00
Invoice	Date	Description	Amount
DMV-AN6M61-2022	04/28/2022	DMV-FEES	54.00
Check 06/23/2022	6005 Accounts Payable	DOCUSIGN, INC	5,920.00
Invoice	Date	Description	Amount
INV32366690	04/04/2022	ELECTRONIC SIGNATURE SOFTWARE 04/04/22-04/03/23	5,920.00
Check 06/23/2022	6006 Accounts Payable	EMC PLANNING GROUP INC.	1,252.08
Invoice	Date	Description	Amount
22-265	05/31/2022	REMAINING FY 21/22 CONSULTING ON NEWPARK PLACE SPECIFIC PLAN	1,252.08
Check 06/23/2022	6007 Accounts Payable	EPLUS TECHNOLOGY, INC.	61,631.89
Invoice	Date	Description	Amount
V2571639	04/14/2022	RUBRIK	61,631.89
Check 06/23/2022	6008 Accounts Payable	EWING IRRIGATION PRODUCTS INC.	6,001.56
Invoice	Date	Description	Amount
16892774	05/26/2022	IRRIGATION SUPPLIES	6,001.56
Check 06/23/2022	6009 Accounts Payable	ANGELA GALLEGOS-CASTILLO	4,025.00
Invoice	Date	Description	Amount
2	06/15/2022	PROMOTORES /FRC PROJECT 05/21-06/15/22	4,025.00
Check 06/23/2022	6010 Accounts Payable	GHA TECHNOLOGIES, INC.	11,040.00
Invoice	Date	Description	Amount
101218702	05/27/2022	HYCU SOCKET	11,040.00

Check	06/23/2022	6011 Accounts Payable	GRACIE GLOBAL LLC		1,200.00
	Invoice	Date	Description	Amount	
Check	GST-00097	05/25/2022	L1 CERTIFICATION - STOCKTON, CA 10/03-10/07/22; TORRES	1,200.00	
	06/23/2022	6012 Accounts Payable	GYM DOCTORS	190.00	
	Invoice	Date	Description	Amount	
Check	00132017	06/02/2022	MONTHLY PREVENTATIVE MAINTENANCE 06/22	190.00	
	06/23/2022	6013 Accounts Payable	HILLYARD / SAN FRANCISCO	1,207.18	
	Invoice	Date	Description	Amount	
Check	604695042	04/05/2022	JANITORIAL SUPPLIES	1,207.18	
	06/23/2022	6014 Accounts Payable	ISH AMITJO KAUAR	3,205.20	
	Invoice	Date	Description	Amount	
Check	0613-061722	06/17/2022	PAYMENT FOR THEATER FACTORY 6/13-6/17/22	3,205.20	
	06/23/2022	6015 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	2,984.70	
	Invoice	Date	Description	Amount	
Check	8973353	06/10/2022	COPIER LEASE/SERVICE/SUPPLIES - 06/2022	2,984.70	
	06/23/2022	6016 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC	4,860.95	
	Invoice	Date	Description	Amount	
Check	55Y1267913	04/18/2022	COPIER LEASE/SERVICE/SUPPLIES - 03/22-04/21/2022	363.76	
	55Y1265043	04/05/2022	COPIER LEASE/SERVICE/SUPPLIES - 03/01-03/31/2022	1,511.85	
	55Y1279822	06/02/2022	COPIER LEASE/SERVICE/SUPPLIES - 05/01-05/31/2022	1,677.10	
	55Y1272094	05/02/2022	COPIER LEASE/SERVICE/SUPPLIES 04/01-04/30/2022	1,308.24	
Check	06/23/2022	6017 Accounts Payable	KNORR SYSTEMS INC	6,346.15	
	Invoice	Date	Description	Amount	
Check	PWSVI-6945	10/31/2021	POOL SERVICE	638.00	
	SI237936	03/31/2022	POOL HEATER REPAIR	5,708.15	
Check	06/23/2022	6018 Accounts Payable	LANGUAGE LINE SERVICES	539.56	
	Invoice	Date	Description	Amount	
Check	10547590	05/31/2022	INTERPRETATION SVCS MAY'22	539.56	
	06/23/2022	6019 Accounts Payable	BRIAN LEWIS	80.01	
	Invoice	Date	Description	Amount	
Check	060822EXP	06/08/2022	BOOT REIMBURSEMENT 06/08/22	80.01	
	06/23/2022	6020 Accounts Payable	LEXISNEXIS RISK DATA MANAGEMENT INC.	424.20	
	Invoice	Date	Description	Amount	
Check	1415640-20220531	05/31/2022	BACKGROUND CHECKS MAY 2022	424.20	
	06/23/2022	6021 Accounts Payable	MIKE YORKS INVESTIGATIONS	3,825.00	
	Invoice	Date	Description	Amount	
Check	2022-07	06/09/2022	BACKGROUND INVESTIGATIONS 05/14-05/25/22	3,825.00	
	06/23/2022	6022 Accounts Payable	MNS ENGINEERS INC	17,360.00	
	Invoice	Date	Description	Amount	

Check	80586	06/09/2022	ON CALL CIVIL ENGINEERING INSPECTION SERVICES (5/1/22-5/31/22)		17,360.00
	06/23/2022	6023 Accounts Payable	NETWORK CONTRACTING LLC		3,705.00
	Invoice	Date	Description	Amount	
Check	3780	06/03/2022	NETWORK CONSULTING 05/29-06/02/22		1,170.00
	3770	05/28/2022	NETWORK CONSULTING 05/23-05/28/22		2,535.00
	06/23/2022	6024 Accounts Payable	JACKSON POSADAS		85.69
Check	051222EXP	06/16/2022	BOOT AND UNIFORM REIMBURSEMENT 5/12/22		85.69
	06/23/2022	6025 Accounts Payable	QUADIENT LEASING USA, INC.		417.69
	Invoice	Date	Description	Amount	
Check	N9429017	05/29/2022	MAILING MACHINE LEASE AGREEMENT - 06/01-06/30/22		417.69
	06/23/2022	6026 Accounts Payable	REDFLEX TRAFFIC SYSTEMS, INC.		17,400.00
	Invoice	Date	Description	Amount	
Check	INV0034528	05/31/2022	REDLIGHT CAMERA MONITORING MAY 2022		17,400.00
	06/23/2022	6027 Accounts Payable	ROBERT HALF		21,916.00
	Invoice	Date	Description	Amount	
Check	60041514	05/24/2022	TEMPORARY STAFFING GARY CAIN - 05/20/22		2,520.00
	60091010	06/01/2022	TEMPORARY STAFFING GARY CAIN - 05/27/22		2,016.00
	60041515	05/24/2022	TEMPORARY STAFFING KHADAR ALIKHAN - 05/20/22		4,950.00
	59968897	05/11/2022	TEMPORARY STAFFING KHADAR ALIKHAN - 05/06/22		4,290.00
	59836732	04/20/2022	TEMPORARY STAFFING KHADAR ALIKHAN - 04/15/22		3,520.00
	59880553	04/27/2022	TEMPORARY STAFFING KHADAR ALIKHAN - 04/22/22		4,620.00
	06/23/2022	6028 Accounts Payable	RAYMUNDO RUIZ		84.21
Check	060622EXP	06/06/2022	BOOT REIMBURSEMENT 06/06/2022		84.21
	06/23/2022	6029 Accounts Payable	S&L BREWER ENTERPRISES, INC.		500.00
	Invoice	Date	Description	Amount	
Check	2022NEW05	05/25/2022	K9 TRAINING MAY 2022		500.00
	06/23/2022	6030 Accounts Payable	ANCHOR AUDIO OUTLET		1,695.00
	Invoice	Date	Description	Amount	
Check	7694	06/02/2022	ADDITIONAL RECREATION SOUND SYSTEM EQUIPMENT		1,695.00
	06/23/2022	6031 Accounts Payable	SILVER & WRIGHT LLP		2,659.00
	Invoice	Date	Description	Amount	
Check	29671	06/01/2022	LEGAL SERVICES FOR MAY 2022		2,659.00
	06/23/2022	6032 Accounts Payable	CENTERVILLE LOCKSMITH		25.92
	Invoice	Date	Description	Amount	
Check	327881	06/02/2022	KEY REPLACEMENT		25.92
	06/23/2022	6033 Accounts Payable	STANTEC CONSULTING SERVICES INC		12,658.00
	Invoice	Date	Description	Amount	
Check	1924773	05/24/2022	REMAINING FY 21/22 MOWRY VILLAGE CONSULTING		12,658.00
	06/23/2022	6034 Accounts Payable	STEVE G. HOOS		694.27

Invoice	Date	Description	Amount
35893	05/10/2022	SILLIMAN ICE MACHINE REPAIR	694.27
Check 06/23/2022	6035 Accounts Payable	LEHR	9,134.07
Invoice	Date	Description	Amount
SI70495	02/08/2022	2019 DODGE CHARGER: VIN 1FM5K8AT2KGB27958 CF33 INSTALL	3,044.69
SI70496	02/08/2022	2019 DODGE CHARGER: VIN 1FM5K8AT4KGB27959 CF33 INSTALL	3,044.69
SI70499	02/08/2022	2019 DODGE CHARGER: VIN 1FM5K8AT0GB27960 CF33 INSTALL	3,044.69
Check 06/23/2022	6036 Accounts Payable	SYSCO SAN FRANCISCO	417.89
Invoice	Date	Description	Amount
450982451	05/16/2022	CAMP SNACKS	417.89
Check 06/23/2022	6037 Accounts Payable	TARGET SPECIALTY PRODUCTS	5,435.51
Invoice	Date	Description	Amount
INVP500761773	04/07/2022	CHEMICALS	5,435.51
Check 06/23/2022	6038 Accounts Payable	TEMPERATURE TECHNOLOGY INC	1,489.33
Invoice	Date	Description	Amount
1021-1596	06/01/2022	FIRE STATION 2 - HVAC REPAIR	1,489.33
Check 06/23/2022	6039 Accounts Payable	TEMPERATURE TECHNOLOGY INC.	2,000.00
Invoice	Date	Description	Amount
1021-1597	05/31/2022	PD - HVAC REPAIR	1,500.00
1021-1601	05/31/2022	HVAC REPAIRS	500.00
Check 06/23/2022	6040 Accounts Payable	THE TACTICAL ADVANTAGE POLICE SUPPLY	960.27
Invoice	Date	Description	Amount
6611	04/11/2022	BULLETPROOF VESTS WANG; APPROVAL #2022-02	960.27
Check 06/23/2022	6041 Accounts Payable	JENNIFER TRAN	39.55
Invoice	Date	Description	Amount
0502-052022EXP	05/20/2022	MILEAGE REIMBURSEMENT MAY 2022	39.55
Check 06/23/2022	6042 Accounts Payable	TREASURER OF ALAMEDA COUNTY	4,120.00
Invoice	Date	Description	Amount
22-05108	06/08/2022	BOOKING FEES - MAY'22	4,120.00
Check 06/23/2022	6043 Accounts Payable	TURBO DATA SYSTEMS, INC	790.00
Invoice	Date	Description	Amount
37631	05/31/2022	E-CITATION HARDWARE AND TRAFFIC PROCESSING SERVICES	790.00
Check 06/23/2022	6044 Accounts Payable	TYLER TECHNOLOGIES, INC.	652.00
Invoice	Date	Description	Amount
045-380327	05/18/2022	TIMEKEEPING AND ADVANCE SCHEDULING IMPLEMENTATION 05/02/22	652.00
Check 06/23/2022	6045 Accounts Payable	UNION PACIFIC RAILROAD COMPANY	755.00
Invoice	Date	Description	Amount
90114315	03/17/2022	CENTRAL OVERPASS COLLABORATION COSTS, PROJECT 1014(	755.00
Check 06/23/2022	6046 Accounts Payable	UNIVERSAL BUILDING SERVICES & SUPPLY	6,572.00

Invoice	Date	Description	Amount
501574	05/31/2022	JANITORIAL - LIBRARY MAY 2022	6,572.00
Check 06/23/2022	6047 Accounts Payable	VERIZON WIRELESS	4,597.37
Invoice	Date	Description	Amount
9908373436	06/09/2022	CELL SVC FOR MDC'S 05/10-06/09/22	4,597.37
Check 06/23/2022	6048 Accounts Payable	WASHINGTON HOSPITAL	50.00
Invoice	Date	Description	Amount
0522-NPD	06/02/2022	LAB TESTS MAY 2022	50.00
Check 06/23/2022	6049 Accounts Payable	WEX BANK	1,318.56
Invoice	Date	Description	Amount
81313867	06/06/2022	CHEVRON FUEL PURCHASE 05/07/2022-6/6/2022	1,318.56
Check 06/23/2022	6050 Accounts Payable	FERREIRA , ROSA	200.00
Invoice	Date	Description	Amount
646871	06/07/2022	EMPLOYEE REIMBURSEMENT	200.00
Check 06/23/2022	6051 Accounts Payable	LEE , SAMUEL	70.00
Invoice	Date	Description	Amount
648074	06/15/2022	MOVING OUT OF THE AREA SB	70.00
Check 06/23/2022	6052 Accounts Payable	MENDES , FRANCISCO P	1,000.00
Invoice	Date	Description	Amount
2022-00005567	06/21/2022	RETURNING SECURITY DEPOSIT FROM SPECIAL EVENT PERMIT	1,000.00
Check 06/23/2022	6053 Accounts Payable	WESTERN REGION PUERTO RICAN COUNCIL	1,000.00
Invoice	Date	Description	Amount
2022-00005185	06/20/2022	SECURITY DEPOSIT TAKEN FOR DANCE PERMIT RETURNED	1,000.00
Check 06/23/2022	6054 Accounts Payable	WILLIAMS , AGATHA	1,000.00
Invoice	Date	Description	Amount
2022-00004797	06/20/2022	RETURNING SECURITY DEPOSIT FROM DANCE PERMIT	1,000.00
AP ZBA ACCOUNTS PAYABLE Totals:			\$325,682.70
Checks:			65
Transactions:			65
			\$325,682.70

LIVE Newark CA LIVE Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/23/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/23/2022	6055	Accounts Payable	AIRGAS USA, LLC		
	Invoice		Date	Description		Amount
	9989104415		05/31/2022	RENT CYLINDER TANK 05/31/2022		78.00
Check	06/23/2022	6056	Accounts Payable	ALAMEDA COUNTY WATER DISTRICT		78.00
	Invoice		Date	Description		Amount
	0224-050422		05/09/2022	ACWD CITYWIDE WATER SERVICE 02/24-05/04/22		30,126.00
Check	06/23/2022	6057	Accounts Payable	ALLIED AUTO STORES INC		30,126.00
	Invoice		Date	Description		Amount
	APR' 22		04/30/2022	ALLIED FLEET PARTS AND SUPPLIES		37.99
Check	06/23/2022	6058	Accounts Payable	BUENA VISTA TREE SERVICE, INC		690.00
	Invoice		Date	Description		Amount
	44245		06/09/2022	TREE LIMB REMOVAL		690.00
Check	06/23/2022	6059	Accounts Payable	COST RECOVERY SYSTEMS INC		7,600.00
	Invoice		Date	Description		Amount
	2022-36		03/24/2022	STATE MANDATE CLAIM PREP SRVCS FY2020-21		7,600.00
Check	06/23/2022	6060	Accounts Payable	EAST BAY LAWN MOWER		153.93
	Invoice		Date	Description		Amount
	37162		06/15/2022	SMALL EQUIPMENT REPAIR		153.93
AP ZBA ACCOUNTS PAYABLE Totals:						\$38,685.92
Checks:						\$38,685.92
Transactions: 6						

LIVE Newark CA LIVE
Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/30/2022

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/30/2022	6061	Accounts Payable	TREASURER OF ALAMEDA COUNTY		
	Invoice		Date	Description		Amount
	MAY'22		06/01/2022	CRIME LAB FEES - MAY'22		104.25
Check	06/30/2022	6062	Accounts Payable	ALPINE AWARDS INC		104.25
	Invoice		Date	Description		Amount
	5551140		06/08/2022	RUN THE LAKE MEDALS		512.88
	5551143		06/09/2022	STAFF UNIFORMS		855.08
Check	06/30/2022	6063	Accounts Payable	BLAISDELL'S BUSINESS PRODUCTS		431.23
	Invoice		Date	Description		Amount
	JUNE'22		06/01/2022	OFFICE SUPPLIES		431.23
Check	06/30/2022	6064	Accounts Payable	CAL SAFETY INC		5,170.00
	Invoice		Date	Description		Amount
	28977		05/17/2022	ROAD CLOSURE FOR NEW CIVIC CENTER GRAND OPENING		5,170.00
Check	06/30/2022	6065	Accounts Payable	CARBONIC SERVICE		403.00
	Invoice		Date	Description		Amount
	2001093623		06/06/2022	CO2 - BULK DELIVERY		403.00
Check	06/30/2022	6066	Accounts Payable	CENTRAL VALLEY TOXICOLOGY, INC.		514.00
	Invoice		Date	Description		Amount
	320234		05/10/2022	LAB TESTS 05/10/22		38.00
	320235		05/10/2022	LAB TESTS 05/10/22		142.00
	320236		05/10/2022	LAB TESTS 05/10/22		38.00
	320355		05/13/2022	LAB TESTS 05/13/22		142.00
	320651		05/31/2022	LAB TESTS 05/31/22		116.00
	320652		05/31/2022	LAB TESTS 05/31/22		38.00
Check	06/30/2022	6067	Accounts Payable	FEHR & PEERS		44,434.82
	Invoice		Date	Description		Amount
	152869		03/03/2022	NEWARK CROSSWALK EVALUATION (1/30/22-2/25/22)		1,013.26
	154015		04/11/2022	CHERRY STREET BIKE LANES (2/26/22-3/25/22)		7,612.50
	155171		05/18/2022	NEWARK LRSP (3/26/22-4/29/22)		4,663.98
	155260		05/19/2022	CHERRY STREET BIKE LANES (3/26/22-4/29/22)		4,972.01
	152369		02/14/2022	CHERRY STREET BIKE LANES (1/1/22-1/31/22)		6,105.75

154008	04/11/2022	NEWARK LRSP (2/26/22-3/25/22)	4,845.23
152866	03/03/2022	CHERRY STREET BIKE LANES (1/30/22-2/25/22)	7,016.63
152370	02/14/2022	NEWARK ROUNDABOUT EVALUATION (1/1/22-1/31/22)	3,286.50
154771	05/12/2022	NEWARK CROSSWALK EVALUATION (3/26/22-4/29/22)	4,408.88
155530	06/08/2022	NEWARK CROSSWALK EVALUATION (4/29/22-5/30/22)	510.08
Check	06/30/2022	FIRST BAPTIST CHURCH	80.00
	Invoice	Description	Amount
Check	JUNE 2022	CHURCH - FIRST BAPTIST CHURCH CONT.*	80.00
	06/30/2022	FRANK BONETTI PLUMBING INC	165.00
	Invoice	Description	Amount
Check	70915	SENIOR CENTER SINK REPAIR	165.00
	06/30/2022	GLENDAL PARADE STORE LLC	4,513.40
	Invoice	Description	Amount
Check	503480A	HONOR GUARD UNIFORMS ACCESSORIES	4,513.40
	06/30/2022	GRAINGER	66.06
	Invoice	Description	Amount
Check	9323923814	FIRE STATION 3 PARTS	66.06
	06/30/2022	HARRIS COMPUTER SYSTEMS	57,094.96
	Invoice	Description	Amount
Check	CERMN0000069	SELECT 07/22-06/23	57,094.96
	06/30/2022	IDN WILCO INC	134.22
	Invoice	Description	Amount
Check	9831368-00	KEYS AND CYLINDER CAP	56.06
	9834112-00	BLDG SUPPLIES	78.16
	06/30/2022	KBA DOCUMENT SOLUTIONS, LLC	989.00
	Invoice	Description	Amount
Check	55Y1282080	COPIER LEASE/SERVICE/SUPPLIES - 06/2022	989.00
	06/30/2022	LINCOLN AQUATICS	330.92
	Invoice	Description	Amount
Check	SL035252	SODIUM BICARBONATE	330.92
	06/30/2022	METROPOLITAN PLANNING GROUP	2,665.00
	Invoice	Description	Amount
Check	2003255	TASK ORDER #3 - CEDAR/ROBSON HOMES PROJECT (SVCS THRU 5/31/22)	2,665.00
	06/30/2022	MIKE YORKS INVESTIGATIONS	2,700.00
	Invoice	Description	Amount
Check	2020-08	BACKGROUND INVESTIGATIONS 06/02-06/25/22	2,700.00
	06/30/2022	MNS ENGINEERS INC	2,012.50
	Invoice	Description	Amount
Check	80587	ON CALL PUBLIC WORKS INSPECTIONS TRACT 8453 (5/1/22-5/31/22)	2,012.50
	06/30/2022	NETWORK CONTRACTING LLC	390.00
	Invoice	Description	Amount

Check	3792	06/30/2022	06/10/2022	6080 Accounts Payable	NETWORK CONSULTING 06/06-06/09/22 PAKPOUR CONSULTING GROUP, INC.	390.00 4,079.26 Amount
	Invoice	Date	Date		Description	
Check	3824	06/30/2022	06/07/2022	6081 Accounts Payable	ON CALL CIVIL ENGINEERING INSPECTION SERVICES (5/1/22-5/31/22) PROVIDENT LIFE & ACCIDENT INSURANCE	4,079.26 261.24 Amount
	Invoice	Date	Date		Description	
Check	UNUM MAY PREMIUM	05/19/2022			UNUM - MAY PREMIUMS	Amount
	06/30/2022	6082 Accounts Payable			R.L. BANKS & ASSOCIATES	261.24 9,087.00 Amount
	Invoice	Date			Description	
	#3	05/26/2022			RAILROAD QUIET ZONE STUDY, PROJECT 1276 (APRIL 2022)	4,824.82
	#4	06/07/2022			RAILROAD QUIET ZONE STUDY, PROJECT 1276 (MAY 2022)	4,262.18
Check	06/30/2022	6083 Accounts Payable			REYES COCA-COLA BOTTLING LLC.	567.42 Amount
	Invoice	Date			Description	
Check	11581211309	06/10/2022			DRINK COOLER ITEMS FOR RETAIL	567.42
	06/30/2022	6084 Accounts Payable			RINGON CONSULTANTS, INC	202.50 Amount
	Invoice	Date			Description	
Check	39934	06/30/2022	06/13/2022	6085 Accounts Payable	CEQA CONSULTING SERVICES - HYATT HOUSE (SVCS 2/1/22-5/31/22) ROBERT HALF	202.50 14,976.00 Amount
	Invoice	Date	Date		Description	
	60129179	06/07/2022			TEMPORARY STAFFING KHADAR ALIKHAN - 06/03/22	4,400.00
	60129177	06/07/2022			TEMPORARY STAFFING GARY CAIN - 06/03/22	2,016.00
	60196043	06/20/2022			TEMPORARY STAFFING KHADAR ALIKHAN - 6/10	3,520.00
	60225676	06/22/2022			TEMPORARY STAFFING GARY CAIN - 6/17	2,520.00
	59910684	05/03/2022			TEMPORARY STAFFING GARY CAIN - 4/29	2,520.00
Check	06/30/2022	6086 Accounts Payable			WILLE ELECTRIC SUPPLY CO., INC	207.55 Amount
	Invoice	Date			Description	
Check	S2090511.001	06/06/2022			LIGHT BULBS	207.55
	06/30/2022	6087 Accounts Payable			SAN MATEO COUNTY SHERIFF'S OFFICE	1,990.80 Amount
	Invoice	Date			Description	
Check	PS-INV103975	05/31/2022			CRIME LAB FEES - MAY'2022	1,990.80
	06/30/2022	6088 Accounts Payable			SAN MATEO REGIONAL NETWORK INC	20.00 Amount
	Invoice	Date			Description	
Check	24050	06/10/2022			DNS SERVICE - 05/22	20.00
	06/30/2022	6089 Accounts Payable			STAPLES	918.36 Amount
	Invoice	Date			Description	
	8066432683	05/31/2022			OFFICE SUPPLIES	918.36
Check	06/30/2022	6090 Accounts Payable			SYSCO - SAN FRANCISCO	1,320.82 Amount
	Invoice	Date			Description	
Check	550028820	06/06/2022			CAFE ITEMS	1,320.82
	06/30/2022	6091 Accounts Payable			HINDERLITER DE LLAMAS & ASSOCIATES	9,300.00

Invoice	Date	Description	Amount
SIN018239	06/07/2022	CONTRACT SERVICES - TRANSACTION TAX Q4 2021	300.00
SIN016104	03/31/2022	ECONOMIC DEVELOPMENT SERVICES Q1/2022	9,000.00
Check 06/30/2022	6092 Accounts Payable	TIREHUB, LLC	7,169.23
Invoice	Date	Description	Amount
26586879	04/14/2022	TIRES - GY EAGLE RS	449.74
26584132	04/14/2022	TIRES - GY EAGLE ENFORCER	1,301.00
26584140	04/14/2022	TIRES-BR DUEL AT REVO 3 OWL	513.63
26534798	04/12/2022	TIRES - GY ASSUR MAXLIFE	531.19
26565810	04/13/2022	TIRES - GY G622	4,373.67
Check 06/30/2022	6093 Accounts Payable	TURF & INDUSTRIAL EQUIPMENT CO	525.02
Invoice	Date	Description	Amount
IV43083	06/06/2022	FLEET MOTOR	525.02
Check 06/30/2022	6094 Accounts Payable	UTILITY TELECOM GROUP, LLC	18,908.85
Invoice	Date	Description	Amount
JUNE '22	06/16/2022	TELEPHONE VOIP/MAN/SERVICE - 06/22	18,908.85
Check 06/30/2022	6095 Accounts Payable	LAUREANO , ANDREW A	1,000.00
Invoice	Date	Description	Amount
2022-00005762	06/28/2022	RETURNING SECURITY DEPOSIT FROM DANCE PERMIT	1,000.00
Check 06/30/2022	319 Accounts Payable	MACQUARIE EQUIPMENT CAPITAL INC. 041001039 / 359681508271	822.22
Invoice	Date	Description	Amount
33756	06/01/2022	CMO & PD RECORDS COPIER AND HP PRINTERS - 5/24-6/23/22	822.22
AP ZBA ACCOUNTS PAYABLE Totals:			\$194,922.59
Transactions: 36			
Checks:	35	\$194,100.37	
EFTs:	1	\$822.22	



STAFF REPORT

Item D. 2.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Approval of June 23, 2022, special and regular meeting minutes

Attachments

Regular Meeting Minutes
Special Meeting Minutes



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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



Minutes

Thursday, June 23, 2022
7:00 P.M.

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:04 p.m. Present were Council Members Collazo, Freitas (via Zoom), Bucci, and Vice Mayor Hannon.

B. PRESENTATIONS

1. Introduction of employees

Mayor Nagy introduced Human Resources Technician Deepa Iyer.

C. PUBLIC COMMENT

No one requested to speak.

D. CONSENT CALENDAR

Council Member Collazo moved, Vice Mayor Hannon seconded, to approve Consent Calendar items D.1 to D.12, that the resolutions be numbered consecutively, and that reading of the titled suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of June 9, 2022, meeting minutes
3. Adopt a resolution confirming the continued existing of a local emergency due to the COVID-19 Pandemic
Resolution No. 11367

4. Adopt a resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning June 23 Pursuant to AB 361 Resolution No. 11368
5. Adopt a resolution establishing the Fiscal Year 2023 Tax Appropriations Limit Resolution No. 11369
6. Adopt a resolution authorizing the City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda Resolution No. 11370 Contract No. 22034
7. Adopt a Resolution Authorizing the City Manager to Execute the Second Amendment to the Contractual Services Agreement with 4Leaf Inc. to Provide Temporary Professional Planning Services Resolution No. 11371 Contract No. 22034
8. Adopt a Resolution Approving Contractual Services Agreements with MNS Engineers, Inc. and CSG Consultants, Inc. for on-call Public Works Construction Inspection Services Resolution No. 11372 Contract No. 22035 MNS Contract No. 22036 CSG
9. Adopt a resolution accepting public subdivision improvements for Tract 8498 Classic 36304 Newark Boulevard, a 9-lot residential subdivision located at 36304-36310 Newark Boulevard Resolution 11373
10. Adopt a resolution approving and authorizing the City Manager to execute a purchase order with Dell Marketing, L.P. (Dell) in the amount of \$360,668.25

for the renewal of software licenses and subscription services
Resolution No. 11374

11. Adopt a Resolution Approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2022-2023 Project List
Resolution No. 11375
12. Year-end Budget Review and Adopt a Resolution Approving an Amendment of the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2022
Resolution No. 11376

E. PUBLIC HEARINGS

1. Hearing to consider adopting a resolution for annual levy of assessment in conjunction with Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18 and 19
Resolution No. 11377

Public Works Director Fajeau gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:13 p.m.

No one from the public requested to speak.

Mayor Nagy closed the public hearing at 7:14 p.m.

Council Member Freitas moved, Council Member Collazo seconded, to adopt a resolution confirming diagrams and assessments and levying assessments for fiscal year 2022-2023 Assessment District Nos. 1,2,4,6,7,13,15,16,17,18,19 pursuant to the Landscaping and Lighting Act of 1972. The motion passed, 5 AYES.

2. Hearing to consider adopting a resolution for annual levy of assessment in conjunction with Landscaping and Lighting District Nos. 10 and 11
Resolution No. 11378

Council Member Collazo announced that she would recuse from participating in this item due to real property interests in Landscaping and Lighting District Nos. 10 and 11.

City Manager Benoun announced that he would recuse from this item due to real property interest in Landscaping and Lighting District No. 11.

Council Member Collazo and City Manager Benoun exited the City Council Chambers.

Public Works Director Fajeau gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:15 p.m.

No one from the public requested to speak.

Mayor Nagy closed the public hearing at 7:16 p.m.

Vice Mayor Hannon moved, Council Member Bucci seconded, to adopt a resolution confirming diagrams and assessments and levying assessments for fiscal year 2022-2023 Assessment District Nos. 10 and 11 pursuant to the Landscaping and Lighting Act of 1972. The motion passed, 4 AYES, 1 RECUSED.

Council Member Collazo and City Manager Benoun returned to the City Council Chamber.

**3. Adopt a resolution approving the 2022-2024 Biennial Budget and Capital Improvement Plan
Resolution No. 11379**

City Manager Benoun gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:17 p.m.

No one from the public requested to speak.

Mayor Nagy closed the public hearing at 7:18 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded, to adopt a resolution approving and adopting a Budget and a Capital Improvement Plan for the City of Newark for fiscal years 2023 and 2024 and providing for the post-auditing of paid demands certified or approved as conforming to such approved budget. The motion passed, 5 AYES.

F. OTHER BUSINESS

1. Adopt Resolutions approving: 1) the Memorandum of Understanding with the Newark Association of Miscellaneous Employees; 2) the Memorandum of Understanding with the Newark Police Management Association; 3) the Compensation and Benefit Plan for the Confidential Employee Group; 4) the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group; and 5) an Amendment to the Employment Agreement with City Manager David Benoun to Serve as City Manager Resolution Nos. 11380 – 11384

City Attorney Kokotaylo gave the staff report recommending approval.

No one from the public requested to speak.

Vice Mayor Hannon moved, Council Member Collazo seconded, to adopt resolutions:

- 1) Approving and adopting a Memorandum of Understanding between the City of Newark and the Newark Association of Miscellaneous Employees, authorizing the city manager to execute the Memorandum of Understanding and approving an amendment to the city's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5, and
- 2) Approving and adopting a Memorandum of Understanding between the City of Newark and the Newark Police Management Association, authorizing the city manager to execute the Memorandum of Understanding and approving an amendment to the city's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5, and
- 3) Approving and adopting a compensation and benefit plan for the confidential employee group, authorizing the city manager to execute the compensation and benefit plan and approving an amendment to the city's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5, and
- 4) Approving and adopting a compensation and benefit plan for the Management, Supervisory, and Professional Employee Group authorizing the city manager to execute the compensation and benefit plan and approving an amendment to the city's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5

- 5) Approving an amendment to the City Manager Employment Agreement with David J. Benoun and approving an amendment to the salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5

The motion passed, 5 AYES.

2. Introduction of an Ordinance amending Chapter 2.09 of the Newark Municipal Code ("City Councilmembers-Salaries") to increase the salaries of City Councilmembers and Mayor by three percent (3%)

Assistant City Manager Hovorka presented the proposed ordinance based on the City Council's direction at the May 26, 2022 meeting.

No one from the public requested to speak.

Vice Mayor Hannon suggested raising the salaries by 10 percent instead of the previously discussed 3 percent. He stated that the total cost of the proposed 3 percent increase for the Mayor and all Council Members was \$2,748 per fiscal year. A 10 percent increase would have a total cost of \$6,468. He stated that an increase was needed to attract people to run for office. He suggested tabling the item and returning with the 10 percent ordinance.

Vice Mayor Hannon moved, Council Member Collazo seconded to adopt a motion directing staff to return at the next council meeting with an ordinance reflecting a 10 percent salary increase. The motion passed, 4 AYES, 1 NO (Bucci).

G. CITY COUNCIL MATTERS

Mayor Nagy reminded the public about the new Social Host Ordinance regarding illegal fireworks and that only Safe and Sane Fireworks are allowed.

Council Member Bucci congratulated the Newark Little League All Stars for winning the first game of their tournament. He noted that City Manager Benoun is the team manager.

Council Member Freitas congratulated Mayor Nagy on his State of the City speech. He wished everyone a safe and sane Fourth of July holiday. He commended Assistant City Manager Hovorka on her leadership.

Council Member Collazo congratulated the Newark Little League All Stars. She stated that the city should only charge fees for the field use for tournaments. She attended

Jean Ficklin's Juneteenth story time at the library. She announced the concert series at Shirley Sisk Grove. Shop Newark.

Vice Mayor Hannon congratulated the Newark Little League All Stars. He commended public safety for their service on the Fourth of July holiday.

H. CLOSED SESSION

I. ADJOURNMENT

Mayor Nagy adjourned the meeting at 7:48 p.m.



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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



Minutes

Special Meeting

Thursday, June 23, 2022

A. ROLL CALL

Mayor Nagy called the meeting to order at 5:04 p.m.

Present were Council Members Collazo, Freitas (via zoom), and Vice Mayor Hannon. Council Member Bucci was noted absent.

B. CITY MANAGER REPORTS

1. 2022 State of the City Address

Mayor Nagy gave the 2022 State of the City Address. He focused on the impact of COVID-19 on the City's budget, programs, and services. He also addressed crime, homelessness, and provided an update on developments and events.

C. ADJOURNMENT

Mayor Nagy adjourned the meeting at 5:45 p.m.



STAFF REPORT

Item D. 3.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Kristopher Kokotaylo, 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 July 14 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 June 23, 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 June 23, 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 and sub-variants BA.2 and BA.2.12.1 have emerged, resulting 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. Additionally, as a result of the highly contagious Omicron sub-variants, the Counties of Marin, San Francisco, San Mateo, and Alameda have the highest COVID-19 case rates in the state.

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

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

DISCUSSION/ANALYSIS

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

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

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

- The Governor has declared a State of Emergency, and the City Council has ratified the proclamation of a local emergency by the Director of Emergency Services;
- 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 have 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, City Attorney

Approved by – David J. Benoun, City Manager

Attachments

AB 361 Resolution July 22

RESOLUTION NO. xxxx

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 JULY 14 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, in addition to Omicron sub-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, and now the Omicron sub-variant, 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, 2021, 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 highly contagious Omicron variant has since resulted in several highly contagious sub-variants; and

WHEREAS, due to the presence of the highly contagious Omicron sub-variants, the Counties of Marin, San Francisco, San Mateo, and Alameda have the highest COVID-19 case rates in the state; 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, state and local officials continue to recommend wearing masks and physical distancing under certain circumstances, 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 E. 1.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Neal Hornbeck, Assistant Maintenance Superintendent
SUBJECT Hearing to consider property owners' objections and adopt a resolution confirming the Superintendent of Streets' Report concerning weed abatement assessments

RECOMMENDATION

Staff recommends that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2022 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets Report concerning weed abatement assessments.

EXECUTIVE SUMMARY

The City of Newark conducts an annual weed abatement program as a fire prevention measure. This is a combined effort between the City's Maintenance Division and the Alameda County Fire Department Fire Prevention staff. Vacant properties with the potential for extensive weed growth are typically included in the program and property owners have the option to either complete the weed abatement work themselves or have the work completed by a City contractor. On May 26, 2022, the City Council directed the Superintendent of Streets to abate weeds on 125 parcels of land.

Following notification, property owners cleared 113 parcels and the remaining 12 parcels were cleared by the City's contractor. The properties cleared by the City's contractor have a resulting range of assessments between \$540 and \$4,536. The combined total for all assessments was \$15,876.

BACKGROUND

The City of Newark conducts an annual weed abatement program to abate weeds on vacant properties that are not properly maintained by property owners to the satisfaction of Alameda County Fire Department (ACFD) Fire Prevention staff. The program is authorized by, and conducted pursuant to, Government Code Sections 39560, et seq. The abatement work typically consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and to removal debris to facilitate tractor work. Property owners have the option to make their own arrangements for weed and debris removal. All properties on which the City performs the abatement work would be assessed the full cost of that work, including administrative costs.

Administrative costs are 20% of the cost of the weed abatement services pursuant to the adopted Master Fee Schedule. There are approximately 125 industrial, residential, and commercial parcels that have large areas of vacant ground with regular seasonal

weed growth that could develop into a fire hazard if not properly maintained.

DISCUSSION/ANALYSIS

The Superintendent of Streets' report on the 2022 Weed Abatement Program is submitted pursuant to Resolution No. 11333 adopted by the City Council on April 14, 2022. The report showing the assessments for the fall 2021 and the spring 2022 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing.

As of July 1, 2022, no written objections have been received. On May 26, 2022, the City Council directed the Superintendent of Streets to abate weeds on 125 parcels of land. Following notification, private property owners cleared 113 parcels and the City's contractor cleared 12 parcels. This year, the assessments ranged from \$540 to \$4,536. The lowest cost is for a vacant property that required minimal work. The highest cost was for a property that required extensive tractor work. There were no additional supplemental lot clearings for the 2021 fall abatement work included in this year's assessments. The combined total for all assessments, including administrative fees, was \$15,876.

FISCAL IMPACT

The 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2021-2022 provides sufficient funding for the 2022 Weed Abatement Program.

REVIEW AND APPROVAL

Prepared by – Neal Hornbeck, Assistant Maintenance Superintendent

Reviewed by – Soren Fajeau, Public Works Director

Reviewed by – Kristopher J. Kokotaylo, City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Resolution

Exhibit A

RESOLUTION NO.

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

WHEREAS, the City Council of the City of Newark, by Resolution No. 11,333, ordered certain rubbish, refuse, dirt, and weeds to be abated in the manner provided by Sections 39560 and 39586 inclusive, of the Government Code of the State of California; and

WHEREAS, the Superintendent of Streets has caused said rubbish, refuse, dirt, and weeds to be abated. Nuisances abated and an accounting of the cost of abatement in front of or on each separate parcel of land has been set forth in a report entitled “Exhibit A – 2022 City of Newark Weed Abatement – Total Assessments” and attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the report of the Superintendent of Streets attached hereto and made a part hereof as Exhibit A is hereby confirmed.

BE IT FURTHER RESOLVED that the cost of abating the nuisance for each respective parcel is set forth in said report under the column entitled “Total Assessment”.

BE IT FURTHER RESOLVED that there is hereby levied a special assessment against each parcel of land described in said report in the amount of \$15,876.00 as shown in said column “Total Assessment”.

BE IT FURTHER RESOLVED that the costs levied as a special assessment against the parcels of land described in said report shall become a lien upon the property.

EXHIBIT A

**2022 City of Newark Weed Abatement
TOTAL ASSESSMENTS**

MAP NO.	APN	LOCATION	Total Assessment
3,3.1,3.2	092-0131-001-09	Filbert St at Snow	864
8	092-0030-014-03	6717 Thornton Ave	1080
11	092-0041-008-03	SP Railroad Property	1512
34-34.5	092-0126-019-00	SMCTD RR ROW	4536
28	92A-2300-006-12	38403 Cherry St	2160
35	537-0852-001-02	8787 Enterprise Dr	864
36	092-0115-011-00	37445 Willow St	864
36	092-0100-004-02	Willow St - Enterprise	1080
45	092-0125-010-00	7843 Railroad Ave	540
49	092-0135-023-00	Walnut St Corner Lot	540
68	920-14000600	8333 Enterprise Dr	1296
73	901-011100300	Springhill Suites 6100 Mall Rd	540
TOTAL			\$15,876



STAFF REPORT

Item F. 1.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Jayson Imai, Assistant City Engineer
SUBJECT Presentation of City of Newark Quiet Zone Study

RECOMMENDATION

Staff recommends that the City Council receive the presentation on the City of Newark Quiet Zone Study. This item is informational only.

EXECUTIVE SUMMARY

This informational item provides an overview of federal quiet zone regulations, summary of recommended quiet zone improvements at each at-grade crossing within the City of Newark, estimated costs of the improvements, and available funding sources.

BACKGROUND

The Federal Railroad Administration (FRA) has established rules regarding the use of locomotive horns at roadway-rail grade crossings. The Final Rule, which was effective in 2005 (49 CFR Parts 222 and 229, Use of Locomotive Horns at Roadway-Rail Grade Crossings; Final Rule) is outlined in the Federal Register. The Final Rule details specific requirements regarding the sounding of locomotive horns at all public roadway-rail at-grade crossings in the country, known as the 'Train Horn Rule.' At the core of this study is a provision in the Final Rule that allows for a local authority to establish "quiet zones" within which locomotives would not be required to routinely sound their horns. Quiet zones must be at least a half-mile in length and have at least one public at-grade rail crossing.

On December 9, 2021, City Council approved a Contractual Services Agreement with R.L. Banks & Associates (RLBA) for Railroad Quiet Zone Study, Project 1276, to evaluate the feasibility of establishing "quiet zones" at existing at-grade railroad crossings in the City of Newark.

There are 10 active and 3 inactive public roadway-rail at-grade crossing locations within the City of Newark. One of the active at-grade crossings, Central Avenue, is scheduled to be grade separated with Central Avenue Overpass, Project 1014. Additional information on existing at-grade crossings within the City of Newark is presented below:

Location	DOT Crossing No.	PUC Crossing No.	Status
Ash Street	750028K	001DAB-37.10	Inactive
Carter Avenue	749941T	001L-30.60	Active
Cedar Boulevard	750033G	001DAB-38.60	Active
Central Avenue	749943G	001L-31.10	Active
Cherry Street	750032A	001DAB-37.80	Active
Haley Street	749938K	001L-29.30	Active
Jarvis Avenue	749937D	001L-29.10	Active
Mavhews Landing Road	749939S	001L-30.00	Active
Mowry Avenue	749946C	001L-32.20	Active
Spruce Street	750024H	001DAB-36.70	Inactive
Sycamore Street	750030L	001DAB-37.50	Active
Thornton Avenue	749940L	001L-30.40	Active
Willow Street	750021M	001DAB-36.40	Inactive

DISCUSSION/ANALYSIS

RLBA reviewed the FRA Grade Crossing Inventory data and conducted onsite inspections of all public at-grade crossings within city limits to determine their overall condition and identify any local factors which may have an impact on the feasibility of establishing a quiet zone.

For purposes of the study, at-grade crossings within the City were grouped into three corridors and one freestanding crossing. The three corridors designated for Quiet Zone study are:

- **Coast Subdivision** between Jarvis Avenue and Central Avenue (total 6 at-grade crossings)
- **Niles Subdivision** between Cedar Boulevard and Sycamore Street (total 3 at-grade crossings)
- **Newark Industrial Lead** between Willow Street and Ash Street (3 at-grade crossings)

The one designated freestanding crossing is the at-grade crossing at Mowry Avenue, which is over a mile from the adjacent Coast Subdivision study corridor.

The Quiet Zone Study has determined that the six (6) at grade-crossings in the Coast Subdivision study corridor, three (3) at-grade crossings in the Niles Subdivision study corridor, and at-grade crossing at Mowry Avenue can qualify for a waiver of the Train Horn Rule with identified Supplementary Safety Measures, which at the majority of crossings generally consist of the installation of four-quadrant security gates.

The three (3) at-grade crossings within the Newark Industrial Lead appear to be functionally out of service. Therefore, the Quiet Zone study does not recommend a waiver of the Train Horn Rule, but instead recommends that the existing, active warning devices be removed in their entirety at each crossing and replaced with crossbuck signs as specified by the California Public Utilities Commission.

The FRA's Quiet Zone Calculator tool provides estimated costs of recommended Supplementary Safety Measures. These cost figures represent an assumed national average cost and are provided solely to provide a planning baseline. Furthermore, the

estimated costs reflect only the material and installation costs associated with the selected Supplementary Safety Measure(s) and do not include costs associated with connection of the improvements to the railroad or roadway signal system or any required track, crossing surface, or roadway pavement work.

FRA's Quiet Zone Calculator tool estimates the total cost of recommended Supplementary Safety Measures for the Coast Subdivision study corridor, Niles Subdivision study corridor, and Mowry Avenue at-grade crossing at \$600,000, \$450,000, and \$150,000 respectively. Again, these costs represent assumed national average costs and do not necessarily reflect current construction costs in the Bay Area. Refined construction cost estimates will be developed as at-grade crossing locations are prioritized and design concepts are developed for the recommended Supplementary Safety Measures.

Last week, the FRA issued a Notice of Funding Opportunity (NOFO) for the new Railroad Crossing Elimination (RCE) Program authorized by the President's Bipartisan Infrastructure Law. The purpose of the RCE program is to support highway-rail and pathway-rail grade crossing improvement projects that improve the safety and mobility of people and goods. The FRA will award approximately \$573.3 million in total program funding. Staff intends to submit an application for FY 2022-2023 RCE funding for the planning, prioritization, and engineering design of the Supplementary Safety Measures and related infrastructure improvements required to qualify the identified at-grade crossings for a waiver of the Train Horn Rule. A subsequent RCE funding application would be submitted in FY 2023-2024 for construction of the identified improvements.

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, City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Quiet Zone Final Report
Presentation



June 30, 2022

**City of Newark CA
Quiet Zone Study**

**Prepared by R.L. Banks & Associates, Inc.
Arlington VA**

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QUIET ZONES GENERALLY¹

Only local governments or public agencies may establish a quiet zone, which must be at least 1/2 mile in length and have at least one public highway-rail grade crossing. Every public grade crossing in a quiet zone must be equipped at minimum with the standard or conventional automatic warning devices (i.e. flashing lights and gates). Communities have the option to establish partial quiet zones restricting locomotive horn sounding during overnight hours between 10:00 P.M. and 7:00 A.M.²

Local government(s) must work in cooperation with the railroad that owns the track and the appropriate state transportation authority to convene a diagnostic team to assess the risk of collision at each grade crossing where they wish to silence the horn. An objective determination is made about where and what type of additional safety engineering improvements are necessary to effectively reduce the risk associated with silencing the horns based on localized conditions such as highway traffic volumes, train traffic volumes, the accident history and physical characteristics of the crossing, including existing safety measures.

Examples of additional safety engineering improvements that may be necessary to reduce the risk of collisions include: medians on one or both sides of the tracks to prevent a motorist from driving around a lowered gate; a four-quadrant gate system to block all lanes of highway traffic; converting a two-way street into a one-way street; permanent closure of the crossing to highway traffic; or approved variations of these treatments.

As an alternative to quiet zones, communities may also choose to silence locomotive horns through the installation of wayside horns at each crossing (train-activated stationary acoustical devices directed at highway traffic), as a one for one substitute for train horns.

Once all necessary safety engineering improvements are made, the local community must certify to the Federal Railroad Administration (FRA) that the required level of risk reduction has been achieved. A quiet zone may only take effect after all necessary safety measures are installed and operational.

Notably, in a quiet zone engineers have no legal duty to sound the horn, but may exercise discretion during emergency situations (i.e. the presence of a vehicle or a person on the track). Under federal regulations, engineers must sound the horn to warn railroad maintenance employees or contractors working on the tracks. If a railroad or individual engineer fails to sound the locomotive horn as required or is unnecessarily sounding the horn in an established quiet zone, they are subject to enforcement action by FRA.

Calculating the Level of Risk³

In order to create a quiet zone, one of the following conditions must be met:

1. The Quiet Zone Risk Index (QZRI) is less than or equal to the Nationwide Significant Risk Threshold (NSRT) with or without additional safety measures such as Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs) described below. The QZRI is the

¹ <https://railroads.dot.gov/newsroom/fact-sheets/fra-locomotive-horn-sounding-and-quiet-zone-establishment>

² This is a matter of community option. A nighttime Quiet Zone application is held to the same standards as a 24-hour Quiet Zone

³ <https://railroads.dot.gov/sites/fra.dot.gov/files/2020-05/QuietZoneBrochure.pdf>

average risk for all public highway-rail crossings in the quiet zone, including the additional risk for absence of train horns and any reduction in risk due to the risk mitigation measures. The NSRT is the level of risk calculated annually by averaging the risk at all of the Nation's public highway-rail grade crossings equipped with flashing lights and gates where train horns are routinely sounded.

2. The Quiet Zone Risk Index (QZRI) is less than or equal to the Risk Index With Horns (RIWH) with additional safety measures such as SSMs or ASMs. The RIWH is the average risk for all public highway-rail crossings in the proposed quiet zone when locomotive horns are routinely sounded.

3. Install SSMs at every public highway-rail crossing. This is the best method to reduce risks in a proposed quiet zone and to enhance safety.

The Quiet Zone Risk Index is calculated by using the FRA's Quiet Zone Calculator⁴ tool which is preloaded with the values for the crossing as based on the Grade Crossing Inventory System⁵ and the Grade Crossing Incident Database⁶. The Calculator allows the user to make correction in the crossing data for purposes of calculation but does not enter these changes in the database. The user enters the proposed Supplementary Safety Measure(s) and the calculator determines the revised Risk Index for the crossing(s). Maps, providing context to the proposed quiet zones are attached as Appendix 1. The Calculator work sheets in connection with the Coast and Niles Subdivisions are attached as Appendix 2.

FRA Estimated Costs

The Quiet Zone Calculator includes an Estimated Total Cost of the improvements which have been entered by the user. These cost figures represent an assumed national average cost and are provided solely to provide a planning baseline. They only represent the material and installation of the selected Supplementary Safety Measure(s) and do not represent the cost of connection to the railroad or highway signal system and any required or incidental track, crossing surface, or highway work. RLBA recommends the informal solicitation of informal quotes before committing to budget figures.

⁴ <https://safetydata.fra.dot.gov/quiet/login.aspx>

⁵ <https://railroads.dot.gov/safety-data/crossing-and-inventory-data/crossing-inventory-dashboards-data-downloads>

⁶ <https://railroads.dot.gov/accident-and-incident-reporting/highwayrail-grade-crossing-incidents/highwayrail-grade-crossing>

PROJECT OVERVIEW

R L Banks & Associates, Inc. (RLBA) was retained by the City of Newark, California (the City) to perform a feasibility study of establishing one or more railroad crossing quiet zones within the city limits. Federal regulations⁷, known as the ‘Train Horn Rule’, require that locomotive engineers must begin to sound train horns at least 15 seconds, and no more than 20 seconds, in advance of all public grade crossings. The regulation also allows a local government to apply for a waiver of this requirement where it can show that the likelihood of a train-motor vehicle collision will not be increased due to additional safety measures which have been implemented at the crossing(s) in question. Crossings or groups of crossings where the waiver has been granted are designated as Quiet Zones.

RLBA surveyed the existing crossings within the city limits and compiled an inventory which is enumerated in Table 1 below. The list has been organized by the designated name of the rail line (not the operating railroad) and whether or not, in our opinion, the crossing or group of crossings can qualify for the waiver and designation as Quiet Zones.

FRA	Cal PUC	RR	Type	Position	Status	Mile	City	RR	Street	Quiet Zone		
Crossing #	Crossing #					post		SubDivision		Proposed	Eligible	
749937D	001L-29.10	UP	Public	At Grade	Open	29.10	Newark	Coast Sub	Jarvis Avenue	P	Y	Coast Subdivision Quiet Zone
749938K	001L-29.30	UP	Public	At Grade	Open	29.31	Newark	Coast Sub	Haley Street	P	Y	
922029U		UP	Private	At Grade	Open	29.58	Newark	Coast Sub	Private	NA		
749939S	001L-30.00	UP	Public	At Grade	Open	30.05	Newark	Coast Sub	Mayhews Landing Rd	P	Y	
749940L	001L-30.40	UP	Public	At Grade	Open	30.42	Newark	Coast Sub	Thornton Avenue	P	Y	
749941T	001L-30.60	UP	Public	At Grade	Open	30.62	Newark	Coast Sub	Carter Avenue	P	Y	
749943G	001L-31.10	UP	Public	At Grade	Open	31.12	Newark	Coast Sub	Central Avenue	P	Y	Excluded
450368T		UP	Private	At Grade	Open	31.29	Newark	Coast Sub	Private Crossings in	N	N	
749944N		UP	Private	At Grade	Open	31.70	Newark	Coast Sub	Yard Limits	N	N	
749946C	001L-32.20	UP	Public	At Grade	Open	32.25	Newark	Coast Sub	Mowry Avenue	P	Y	Mowry Quiet Zone
749950S	001DAB-36.40	UP	Private	At Grade	Open	33.40	Fremont	Coast Sub	Stevenson Blvd	NA		
750033G	001DAB-38.60	UP	Public	At Grade	Open	33.70	Newark	Niles Sub	Cedar Road	P	Y	Niles Subdivision Quiet Zone
750032A	001DAB-37.80	UP	Public	At Grade	Open	34.46	Newark	Niles Sub	Cherry Street	P	Y	
750030L	001DAB-37.50	UP	Public	At Grade	Open	34.77	Newark	Niles Sub	Sycamore Street	P	Y	
750021M		UP	Public	At Grade	Open	36.42	Newark	Newark Ind Ld	Willow Road	N	N	Newark Industrial Lead Excluded
750024H	001DAB-36.70	UP	Public	At Grade	Open	36.78	Newark	Newark Ind Ld	Spruce Street	N	N	
750028K	001DAB-37.10	UP	Public	At Grade	Open	37.06	Newark	Newark Ind Ld	Ash Street	N	N	

For purposes of the study, the seventeen⁸ identified grade crossings within Newark were grouped into one freestanding crossing and three corridors. Four private crossings within these corridors were determined not to impact the quiet zone analysis.

The freestanding crossing is Mowry Avenue, GX 749946C which is over a mile from the adjacent crossings and was dealt with in a prior report included as Appendix 3. The three corridors designated for Quiet Zone study are: 1) the Coast Subdivision between Jarvis Avenue GX 749937D and Central Avenue GX 749943G inclusive (six grade crossings); 2) the Niles Subdivision between Cedar Road⁹ GX 750033G and Sycamore Street GX 750050L inclusive (three grade crossings); and 3) the Newark Industrial Lead between Willow Road GX 750021M

⁷49 Code of Federal Regulations Part 222

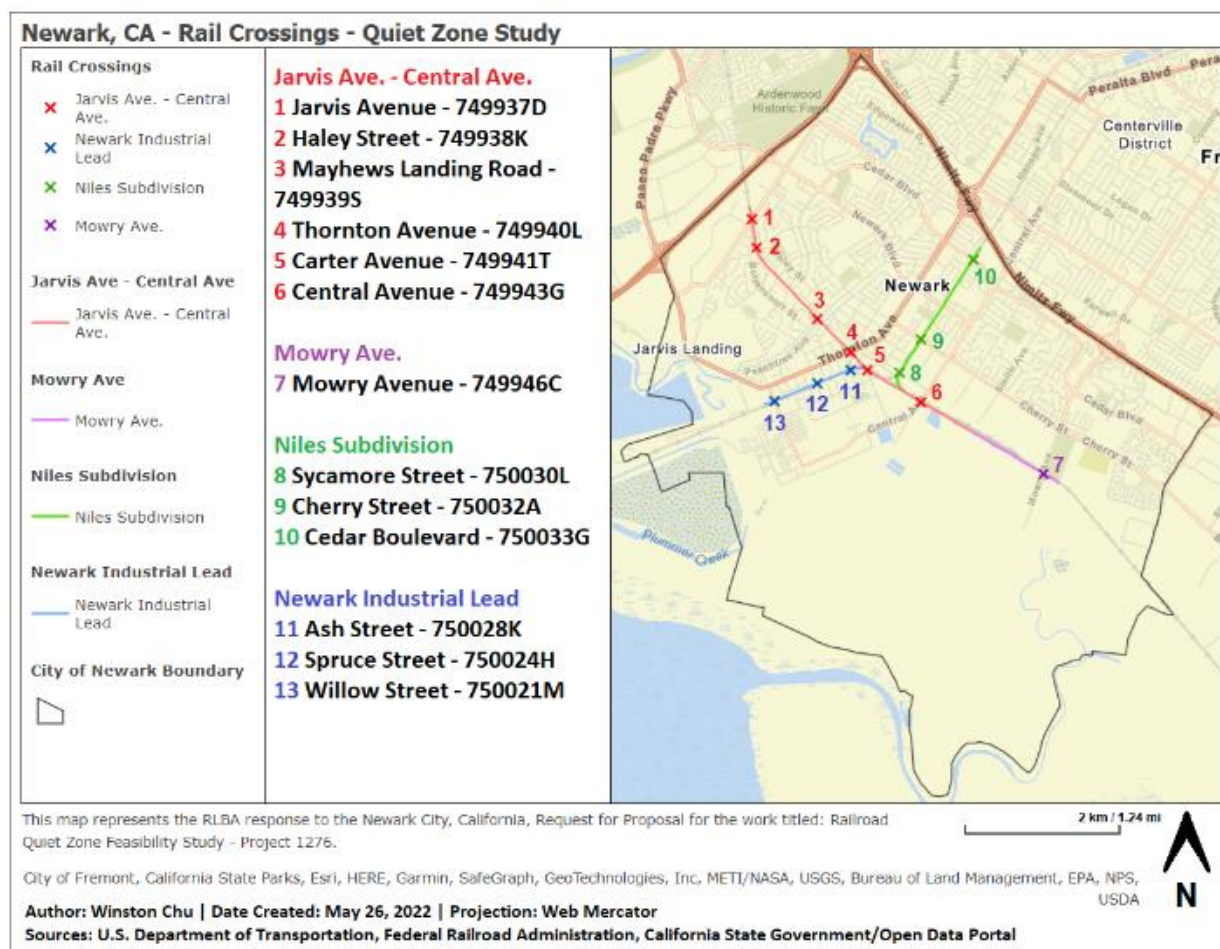
⁸ One additional crossing showed as being in Newark on the Federal Railroad Administration Safety Map (<https://fragis.fra.dot.gov/GISFRASafety/>), however this was determined to be the result of a survey error.

⁹ Cedar Boulevard is shown as Cedar Road on the FRA documentation and for the sake of clarity we do so here

and Ash Street GX750028K inclusive (three grade crossings). These are shown on Map 1 below.

RLBA reviewed the FRA Grade Crossing Inventory data and, accompanied by the Assistant City Engineer, conducted an onsite inspection of all the public grade crossings within the city limits to determine their overall condition along with any local factors which would have an impact on the feasibility of establishing a quiet zone. While we were not authorized to either open the control housings or perform any testing, all of the crossing signals, except those on the Newark Industrial Lead, appeared to be in good repair and were observed to be functioning properly. The signals on the Newark Industrial Lead appeared to be out-of-service and therefor unmaintained.

Map 1. City of Newark Rail-Highway Grade Crossings



PROPOSED QUIET ZONES

Mowry Avenue Quiet Zone

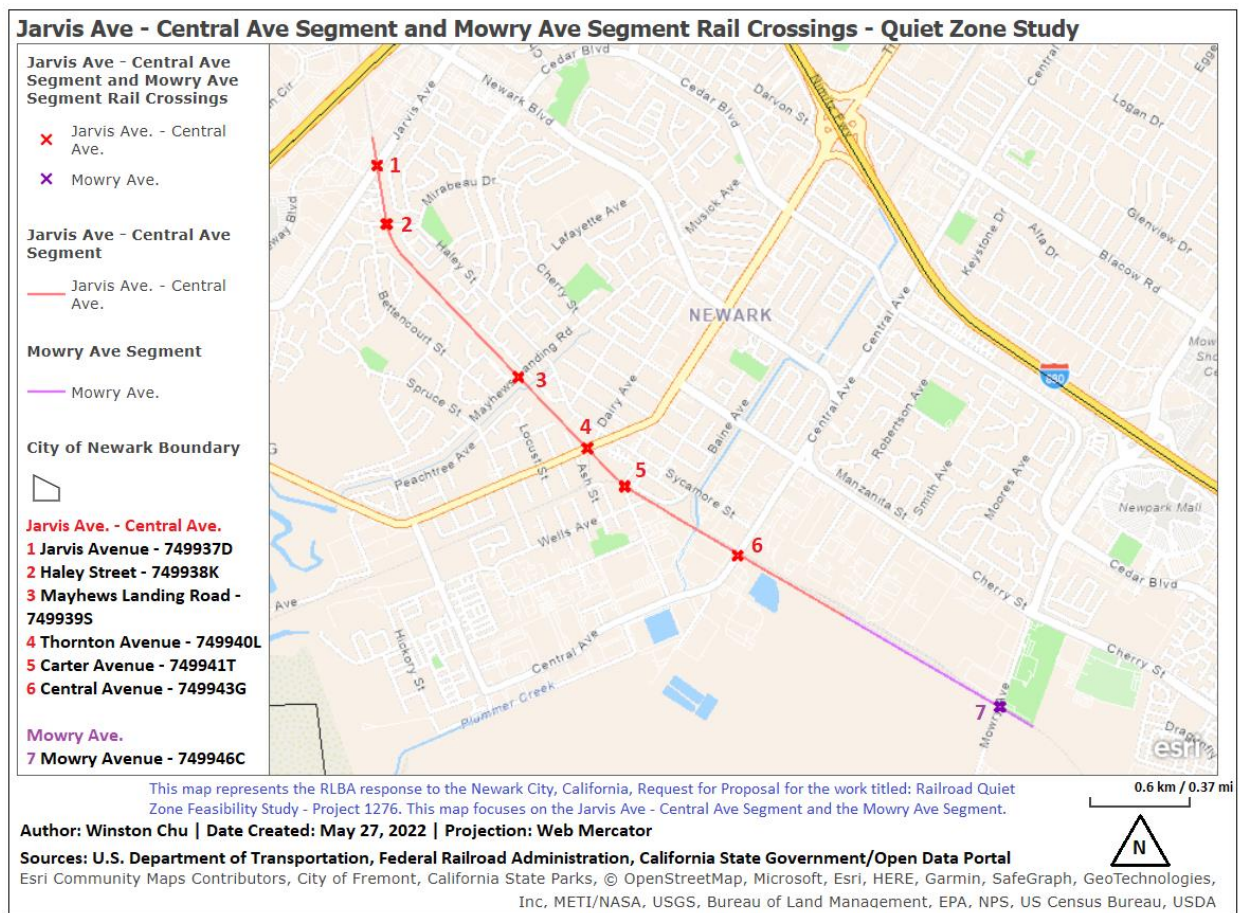
RLBA's report of January 14, 2022 determined that the potential future improvements at Mowry Avenue, GX 749946C would allow it to qualify as a Quiet Zone. RLBA, therefore, recommends that if the crossing is modified in accordance with the plans provided by the City that the City apply for a Waiver of the train Horn Rule at Mowry Avenue. The report is incorporated herein by reference and a copy is attached hereto as Appendix 3.

Coast Subdivision Quiet Zone

The Coast Subdivision Quiet Zone represents a north/south Union Pacific rail corridor approximately 2.2 miles in length between the City Line in the vicinity of Highway 84 and the junction with the Niles Subdivision in the vicinity of Central Avenue. The line is primarily single-track north of Thornton Avenue and double track plus yard tracks south of Thornton. The line's current traffic count is an average of six trains per day.

There are six crossings at grade in the Coast Subdivision Quiet Zone corridor. It is RLBA's opinion that these six crossings as a group can qualify for a waiver of the Train Horn Rule. This will be discussed in more detail below.

Map 2. Coast Subdivision Grade Crossings Recommended for Inclusion in Quiet Zone



The six crossings in the Coast Subdivision Quiet Zone are discussed individually below.

Jarvis Avenue 749937D – Jarvis Avenue is four lanes with a median strip. The crossing angle is approximately 45 degrees. Each direction of travel is already equipped with double gates and cantilevered signals, effectively producing the same effect as a four-quadrant gate. While RLBA has used the addition of four-quadrant gate for purposes of calculating the risk index, we believe that the FRA will accept the current configuration.

Haley Street 749938K – Haley Street is four lanes with no median. It is equipped with two-quadrant gates and cantilevered signals. RLBA recommends the installation of four-quadrant gates along with additional center striping and collapsible bollards.

Mayhews Landing Road 749939S – Mayhews Landing Road is two lanes with no median. It is equipped with two-quadrant gates and pedestal¹⁰ signals. RLBA recommends the installation of four-quadrant gates along with at least one cantilever signal, additional center striping and collapsible bollards.

Thornton Avenue 749940L – Thornton Avenue is four lanes with no median. It is equipped with two-quadrant gates and cantilevered signals. The crossing is complicated by the presence of commercial driveways immediately adjacent to the track on the north side of the street. Provision will have to be made to ensure that the track cannot be accessed from either of these properties while the gates are down. RLBA recommends the installation of four-quadrant gates along with cantilever signals, additional center striping and collapsible bollards.

An additional complication is the presence of Alameda County Fire Department Station 28 in the southwest quadrant of the crossing. The apparatus in this station is frequently delayed in its response to much of the City by the presence of a train on the crossing and can be blocked from leaving the station by traffic backed up at the crossing. RLBA suggests that an additional railroad crossing warning signal with a “Do Not Block Fire Station” sign be placed immediately west of the fire station and that the City and the Fire Department discuss the installation of a remote occupancy indicator in the fire station which will allow the fire apparatus to indicate to their dispatcher a delayed response if the station receives an assignment while a train is occupying or approaching the crossing.

Carter Avenue 749941T – Carter Avenue is four lanes with a center median. It is equipped with two-quadrant gates and cantilevered signals. RLBA recommends that each side be double-gated along with the necessary signage and pavement markings. RLBA further recommends that the median on the northbound side be extended to prevent motor vehicles from going around the gate

Central Avenue 749943G - As this crossing is going to be replaced with an overpass, there is no need to budget additional crossing improvements.

The risk values associated with each crossing, with and without the recommended improvements, are shown in Table 2 below. The cumulative risk index with horns of the Coast Subdivision

¹⁰ A pedestal signal is one which is mounted on a pedestal or a post on the side of the road and is referred to as such in order to differentiate it from a cantilever signal which is mounted on a bridge structure cantilevered over the roadway.

Corridor if no improvements are made is 51,907.00. This is significantly higher than Nationwide Significant Risk Threshold (NSRT) of 15,488.00. The Quiet Zone Risk Index with all of the improvements and the grade separation of Central Avenue is 1,691.05. The recommended Supplementary Safety Measures lower the risk index at each crossing to a level significantly below the NSRT. In addition, the cumulative risk index associated with the corridor is reduced further by the inclusion of the planned Central Avenue overpass project which completely eliminates the crossing with the highest risk index in the corridor.

Table 2. Coast Subdivision QZ Analysis

FRA Crossing #	Position	MP	Street	Current Risk Index	Q Z Risk Index	ASMs Needed	Approximate Cost
749937D	At Grade	29.10	Jarvis Avenue	41,520.01	3,321.60		\$115,000
749938K	At Grade	29.31	Haley Street	20,671.18	1,653.69		\$115,000
749939S	At Grade	30.05	Mayhews Landing Rd	17,952.90	1,436.23		\$115,000
749940L	At Grade	30.42	Thornton Avenue	25,619.86	2,049.59		\$115,000
749941T	At Grade	30.62	Carter Avenue	21,064.72	1,685.18		\$115,000
749943G	At Grade	31.12	Central Avenue	59,637.99	0,000.00	Overpass	\$4,000,000
Quiet Zone Cumulative Risk Index				51,907.00	1,691.05		
Estimated Cost							\$4,575,000

For comparison purposes, Table 3 shows the comparative risk index for No Improvement, Quad Gates Only without the planned grade separation of Central Avenue, and Quad Gates with Separation of Central Avenue scenarios

In the event that the Thornton Avenue crossing is not approved for a Train Horn Rule Waiver then the Carter Avenue crossing will not either as they are in close proximity to each other. However, the cumulative Quiet Zone Risk Index associated with the three remaining adjacent crossings is 3,521.18, which is still significantly below Nationwide Significant Risk Threshold of 15,488.00

Table 3. Comparative Risk Indices - Coast Subdivision

Scenario	NSRT	QZ Risk Index
No Improvement	15,488.00	31,077.78
Quad Gates only	15,488.00	2,486.22
Quad Gates with Separation of Central Ave	15,488.00	1,691.05
Three Crossings Alternative	15,488.00	3,521.18

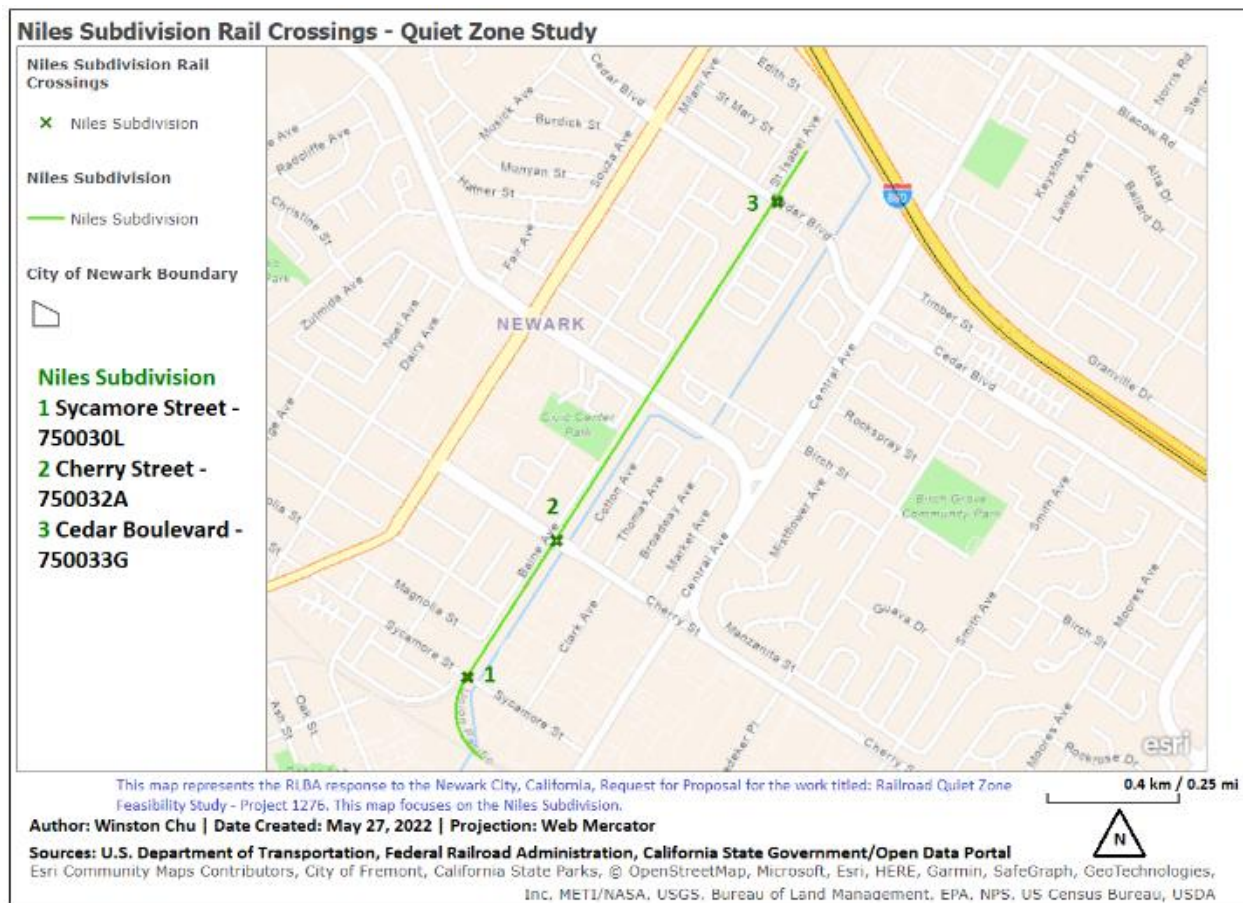
Project Cost The estimated cost in Table 2 is the cost generated by the FRA Quiet Zone Calculator. Removing the FRA's arbitrary \$4,000,000 cost of the Central Avenue Grade Separation Project leaves \$115,000 per crossing as the marginal cost of installing four-quadrant gates at each of the five remaining crossings or a total of \$575,000. As this figure does not include any incidental paving or crossing surface work, or the cost of any necessary changes to the existing railroad or highway signal systems to accommodate the additional equipment, RLBA believes a more accurate figure would be in the vicinity of \$150,000 per crossing. As RLBA has only recommended the installation of additional signals at four of the five crossings, this results in a planning figure of \$600,000 in signal improvement costs in connection with the Coast Subdivision Quiet Zone

Niles Subdivision Quiet Zone

The Niles Subdivision Quiet Zone corridor represents an east/west Union Pacific rail connector approximately 1.25 miles in length between City Line in the vicinity of Interstate 880 and the junction with the Coast Subdivision in the vicinity of Central Avenue. The line is primarily double-track, with an average of twenty trains per day.

There are three crossings at grade in the Niles Subdivision Quiet Zone corridor. It is RLBA's opinion that the three crossings as a group can qualify for a waiver of the Train Horn Rule. This will be discussed in more detail below.

Map 3. Niles Subdivision Rail-Highway Grade Crossings



The three crossings in the Niles Subdivision Quiet Zone are discussed individually below.

Cedar Road 750033G - Cedar Road is four lanes with no median. It is equipped with two-quadrant gates and cantilevered signals. RLBA recommends the installation of four-quadrant gates along with additional center striping and collapsible bollards. There is an intersection with St. Isabel Avenue on the north side of Cedar Road adjacent to the west side of the railroad right-of-way. RLBA believes that there is sufficient distance between the crossing and the

intersection to meet the 60-foot separation requirement¹¹.

Cherry Street 750032A – Cherry Street is four lanes with center median. Each direction of travel is already equipped with double-gates and cantilevered signals, effectively producing the same effect as a four-quadrant gate. While RLBA has used the addition of four-quadrant gate for purposes of calculating the risk index, we believe that the FRA will accept the current configuration. However, the intersection with Baine Avenue on the west side of the right-of-way is near enough that the City will need to reconfigure the intersection to meet the 60-foot separation requirement and may need to seek a waiver.

Sycamore Street 750030L – Sycamore Street is three lanes with a center turn lane. It is equipped with two-quadrant gates and cantilevered signals. RLBA recommends the installation of four-quadrant gates along with additional center striping and collapsible bollards

The risk values associated with each crossing, with and without the recommended improvements, are shown in Table 4 below. The cumulative risk index with horns of the Coast Subdivision Corridor if no improvements are made is 47,710.57. This is significantly higher than Nationwide Significant Risk Threshold (NSRT) of 15,488.00. The Quiet Zone Risk Index with all of the improvements and the grade separation of Central Avenue is 6,366.50.

Table 4. Niles Subdivision QZ Analysis

FRA Crossing #	Position	MP	Street	Current Risk Index	Q Z Risk Index	ASMs Needed	Approximate Cost
750033G	At Grade	33.70	Cedar Road	160,539.56	12,843.17		\$115,000
750032A	At Grade	34.46	Cherry Street	52,534.32	4,202.75		\$115,000
750030L	At Grade	34.77	Sycamore St	25,669.82	2,053.59		\$115,000
Quiet Zone Cumulative Risk Index				47,710.57	6,366.50		
Estimated Cost							\$345,000

Project Cost The estimated cost in Table 4 is the cost generated by the FRA Quiet Zone Calculator. The total of \$345,000 equals \$115,000 per crossing as the marginal cost of installing four-quadrant gates at each of the three crossings. As this figure does not include any incidental paving or crossing surface work, or the cost of any necessary changes to the existing railroad or highway signal systems to accommodate the additional equipment, RLBA believes a more accurate figure would be in the vicinity of \$150,000 per crossing or a planning figure of \$450,000 in signal improvement costs associated with the Coast Subdivision Quiet Zone. This figure does not include the reconfiguration of the two intersections cited above.

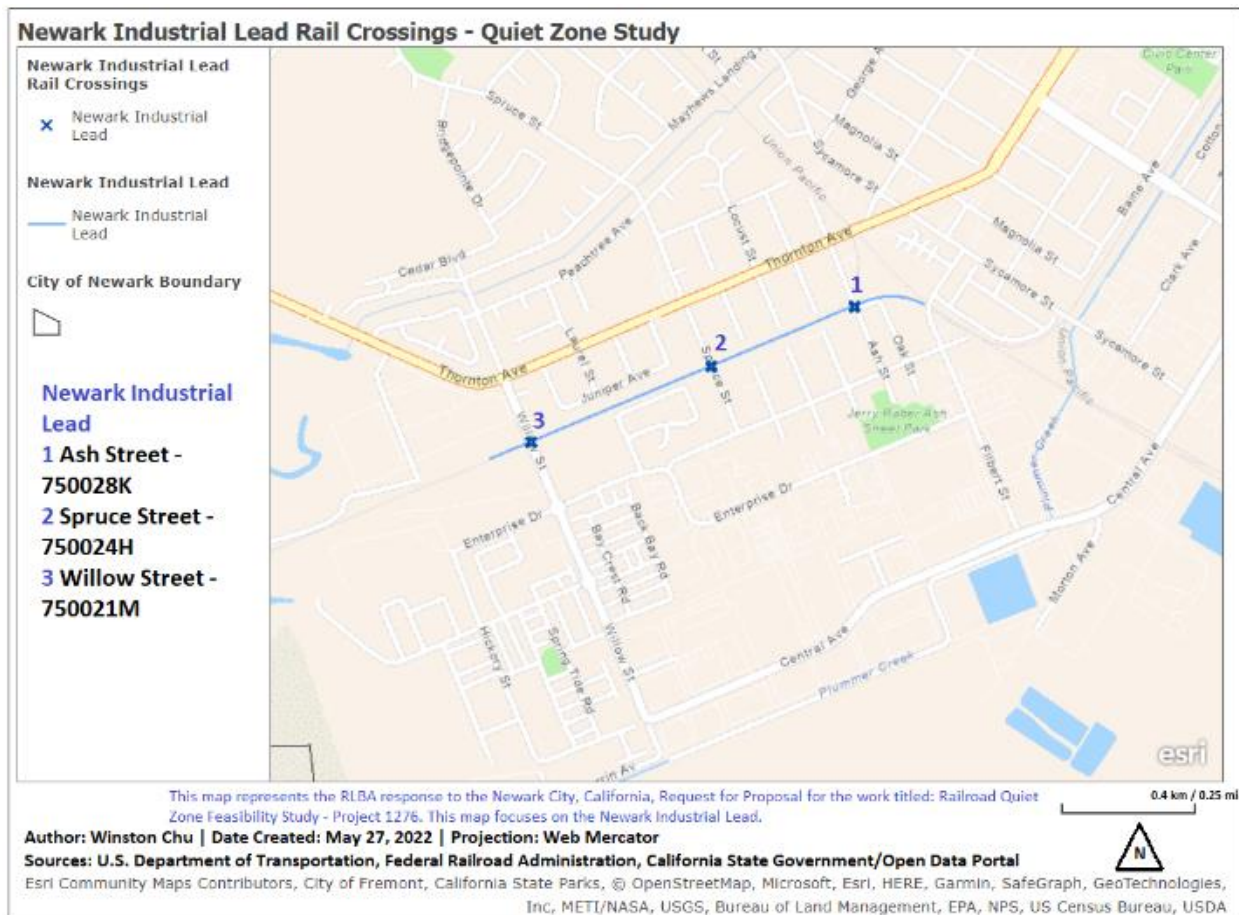
¹¹ 49CFR222 Appendix A 3 b Medians or channelization devices must extend at least 100 feet from the gate arm, or if there is an intersection within 100 feet of the gate, the median or channelization device must extend at least 60 feet from the gate arm.

Newark Industrial Lead

The Newark Industrial Lead is not recommended for a waiver of the Train Horn Rule. It is further recommended that the existing, active warning devices be removed in their entirety and replaced with crossbucks as specified by the California Public Utilities Commission.

The Newark Industrial Lead appears to be functionally, though apparently not legally, out of service. The most recent inventory of all three crossings FORM FRA F 6180.71, dated 07/20/2021, Part II, Block 1.c. shows a train count (2019) of two daily switching trains, however Google imagery dated 2020-2021 shows significant amounts of rail removed from two of the three tracks and no connected industrial spurs. This was confirmed by a site visit. As a significant portion of the Dumbarton bridge has been removed, there is no current possibility of through traffic.

Map 4. Newark Industrial Lead Coast Grade Crossings Not Recommended for Inclusion in Quiet Zone



All three crossings are currently equipped with flashing light and gates. Area residents and frequent users of the three crossings are accustomed to the absence of trains on the line. In the event that a crossing signal does activate it will probably be ignored. RLBA, therefore, recommends that the existing crossing signals be removed and replaced with RAILROAD CROSSING signs (R15-1) combined with YIELD (R1-2) Signs in accordance with Section 8B.04 of the MUTCD *Crossbuck Assemblies with YIELD or STOP Signs at Passive Grade Crossings*.

Table 4. Newark Industrial Track QZ Analysis

FRA Crossing #	Position	MP	Street	Current Risk Index	Q Z Risk Index	ASMs Needed	Approximate Cost
750021M	At Grade	36.42	Willow Road	NA	NA	None	\$0.00
750024H	At Grade	36.78	Spruce Street	NA	NA		\$0.00
750028K	At Grade	37.06	Ash Street	NA	NA		\$0.00
Quiet Zone Cumulative Risk Index				NA	NA		
Estimated Cost							\$0.00

Other Excluded Crossings

Several crossings within Newark City Limits were excluded from the study as they are not on active rail lines, are within yard limits or are not accessible by the general public. Data associated with all of these crossings was confirmed by a site visit.

22029U MP 29.58 Coast Subdivision is a gated private access road used to access the drainage canal. It has no impact on the Quiet Zone Study.

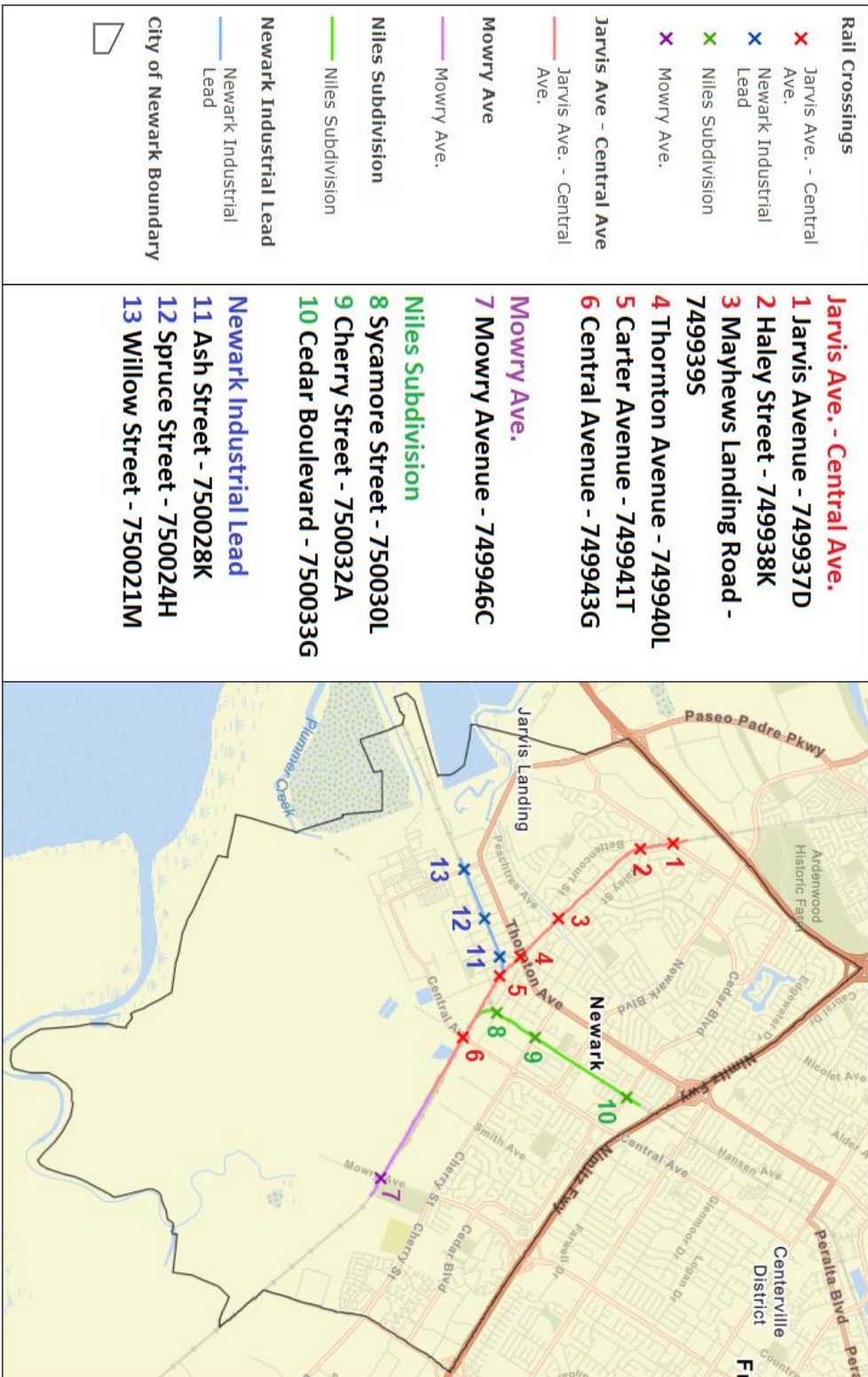
450368T MP 31.29 and 749944N MP 31.7 Coast Subdivision are private crossings within Yard Limits, not on the main line and do not impact the Quiet Zone Study.

749950S MP 33.40 Coast Subdivision Stevenson Boulevard is a private crossing which is located on the city line with Fremont. It does not impact the Quiet Zone Study.

837816X Willow Street (not included in Table 1) was determined to be a survey data recording error. The actual crossing was determined to have been in the City of Alameda.

Appendix 1 Maps

Newark, CA - Rail Crossings - Quiet Zone Study



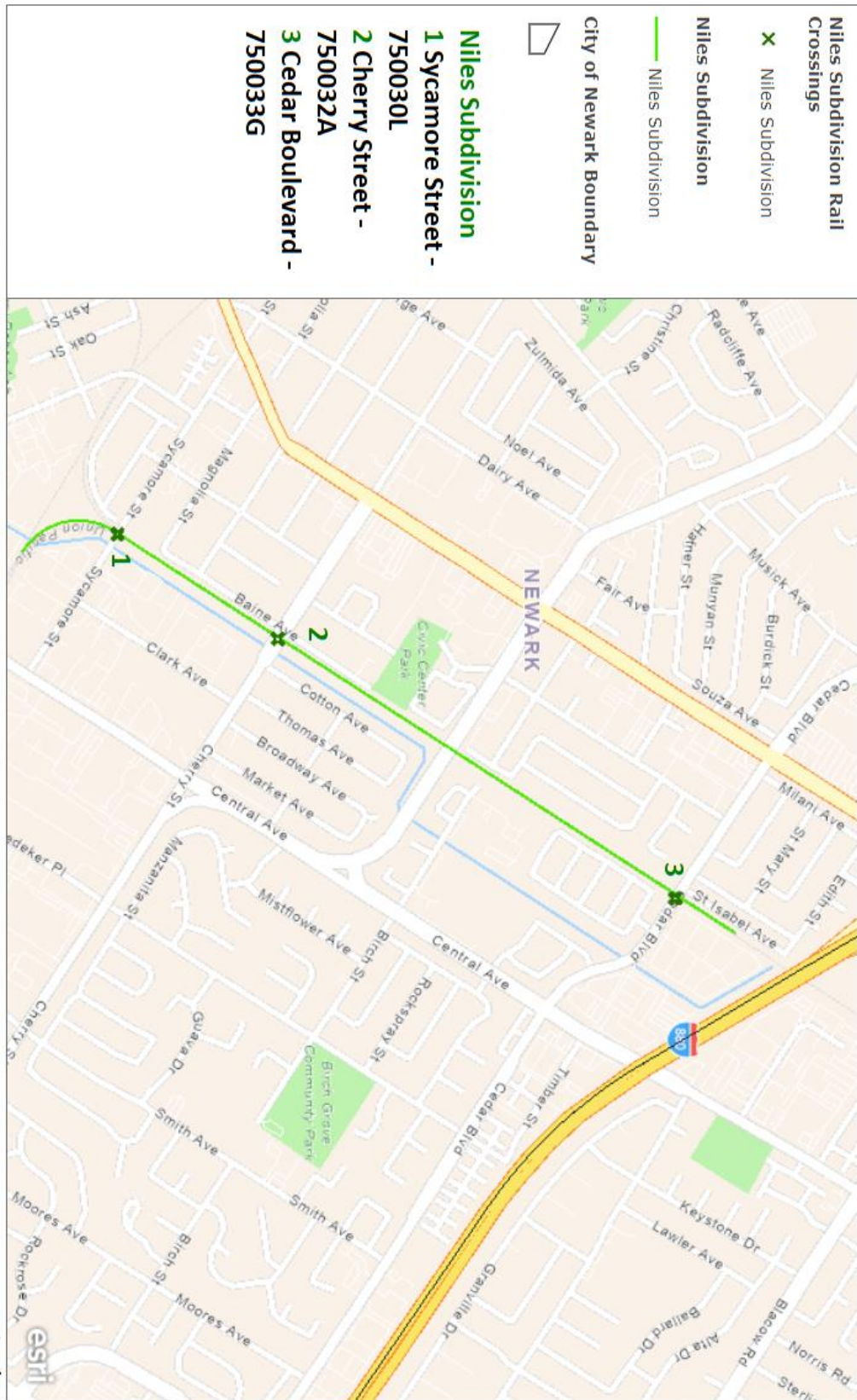
This map represents the RLBA response to the Newark City, California, Request for Proposal for the work titled: Railroad Quiet Zone Feasibility Study - Project 1276.

City of Fremont, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

Author: Winston Chu | Date Created: May 26, 2022 | Projection: Web Mercator

Sources: U.S. Department of Transportation, Federal Railroad Administration, California State Government/Open Data Portal

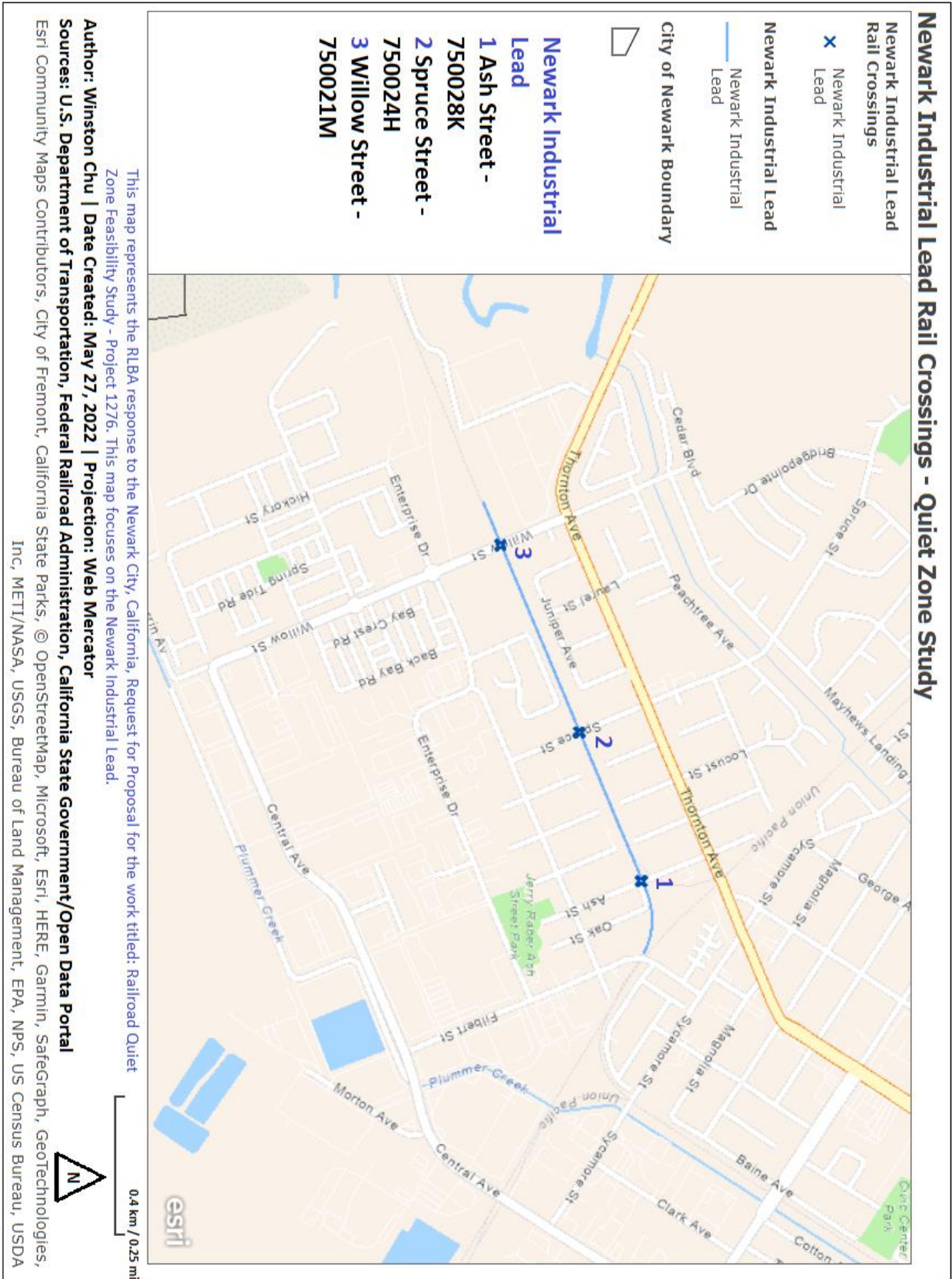
Niles Subdivision Rail Crossings - Quiet Zone Study



This map represents the RLBA response to the Newark City, California, Request for Proposal for the work titled: Railroad Quiet Zone Feasibility Study - Project 1276. This map focuses on the Niles Subdivision.

Author: Winston Chu | Date Created: May 27, 2022 | Projection: Web Mercator

Sources: U.S. Department of Transportation, Federal Railroad Administration, California State Government/Open Data Portal
Esri Community Maps Contributors, City of Fremont, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA



Appendix 2

FRA Grade Crossing Calculator Worksheets

Coast Subdivision Worksheet

6/24/22, 2:03 PM

FRA - Quiet Zone Calculator

Print This Page

Home | Help | Contact | logoff_mallen@rlbadc.com**Cancel**Change Scenario: **COAST SUB _66520****Continue**

Create New Zone
Manage Existing Zones
Log Off

Step by Step Instructions:

Step 1: To specify New Warning Device (For Pre-Rule Quiet Zone Only) and/or SSM, click the [MODIFY](#) Button

Step 2: Select proposed warning device or SSM. Then click the [UPDATE](#) button. To generate a spreadsheet of the values on this page, click on [ASM](#) button—This spreadsheet can then be used for ASM calculations.

Step 3: Repeat Step (2) until the SELECT button is shown at the bottom right side of this page. Note that the SELECT button is shown ONLY when the Quiet Zone Risk Index falls below the NSRT or the Risk Index with Horn.

Step 4: To save the scenario and continue, click the SELECT button

Crossing	Street	Traffic	Warning Device	Pre-SSM	SSM	Risk	
749937D	JARVIS AVENUE	14688	Gates	13	5	3,321.60	MODIFY
749938K	HALEY STREET	4558	Gates	13	5	1,653.69	MODIFY
749939S	MAYHEWS LANDING ROAD	3299	Gates	0	5	1,436.23	MODIFY
749940L	THORNTON AVENUE	14517	Gates	0	5	2,049.59	MODIFY
749941T	CARTER AVENUE	3849	Gates	13	5	1,685.18	MODIFY
749943G	CENTRAL AVENUE	12054	Gates	0	3	0	Grade Separated

* Only Public At Grade Crossings are listed.

ALERT: Quiet Zone qualifies because SSM has been applied in each crossing.

Click for [Supplementary Safety Measures \[SSM\]](#)

Click for ASM spreadsheet: **ASM** *

Note: The use of ASMs requires an application to and approval from the FRA.

Summary	
Proposed Quiet Zone:	Coast Sub Newark
Type:	New 24-hour QZ
Scenario:	COAST SUB _66520
Estimated Total Cost:	\$4,575,000.00
Nationwide Significant Risk Threshold:	15488 .00
Risk Index with Horns:	51907.51
Quiet Zone Risk Index:	1691.05
Select	

Niles Subdivision Worksheet

6/16/22, 10:31 PM

FRA - Quiet Zone Calculator

[Print This Page](#)
[Home](#) | [Help](#) | [Contact](#) | [logoff mallen@rlbadc.com](#)
 Change Scenario:

Create New Zone
Manage Existing Zones
Log Off

Crossing	Street	Traffic	Warning Device	Pre-SSM	SSM	Risk	
750030L	SYCAMORE STREET	7006	Gates	0	5	2,053.59	MODIFY
750032A	CHERRY STREET	12370	Gates	0	5	4,202.75	MODIFY
750033G	CEDAR ROAD	15084	Gates	0	5	12,843.17	MODIFY

Step by Step Instructions:

Step 1: To specify New Warning Device (For Pre-Rule Quiet Zone Only) and/or SSM, click the [MODIFY](#) Button

Step 2: Select proposed warning device or SSM. Then click the [UPDATE](#) button. To generate a spreadsheet of the values on this page, click on [ASM](#) button—This spreadsheet can then be used for ASM calculations.

Step 3: Repeat Step (2) until the [SELECT](#) button is shown at the bottom right side of this page. Note that the [SELECT](#) button is shown ONLY when the Quiet Zone Risk Index falls below the NSRT or the Risk Index with Horn.

Step 4: To save the scenario and continue, click the [SELECT](#) button

* Only Public At Grade Crossings are listed.

ALERT: Quiet Zone qualifies because SSM has been applied in each crossing.

Click for [Supplementary Safety Measures \[SSM\]](#)

Click for ASM spreadsheet: *
Note: The use of ASMs requires an application to and approval from the FRA.

Summary	
Proposed Quiet Zone:	Niles Sub Newark
Type:	New 24-hour QZ
Scenario:	NILES SUB _66487
Estimated Total Cost:	\$345,000.00
Nationwide Significant Risk Threshold:	15488 .00
Risk Index with Horns:	47710.57
Quiet Zone Risk Index:	6366.5
Select	

Appendix 3
Mowry Avenue Quiet Zone Study
RLBA, January 14, 2022

14 January 2022

City of Newark CA Mowry Avenue Quiet Zone Study

**Prepared by R.L. Banks & Associates, Inc.
Arlington VA**

Introduction

This Report Responds to the City of Newark's request that R.L. Banks & Associates, Inc. (RLBA) Start work early on the Mowry Avenue at-grade railroad crossing.

Location

Newark CA is located in Alameda County on the east side of San Francisco Bay, near the South end of the bay, The Coast Subdivision of the Union Pacific Railroad runs north - south (timetable direction) along the west side of the city, parallel to the bay. The Niles Subdivision and the Newark Industrial Lead run east and west respectively from the Coast Subdivision roughly in the center of the city

The Mowry Avenue crossing (GX No. 749946C) is the southernmost (MP 32.325) of seven crossings located within the city limits of Newark, along the Coast Subdivision.

CURRENT CONDITIONS

Demographics

West of the crossing Mowry Avenue provides access to an auto parts yard and several salt ponds. East of the crossing is a community recreation center and some commercial development. These do not generate traffic over the crossing.

Railroad: Union Pacific Coast Subdivision

The railroad is a double track mainline with a single siding. The mainline track is maintained as FRA Class 4. Maximum timetable speed is 79 miles per hour. The average daily train count is 46 including 18 daily passenger trains

Highway: Mowry Avenue

Mowry Avenue is a two-lane local road which dead ends west of the crossing. The most recent traffic count is less than 1,000 vehicles per day.

There is no sidewalk.

Crossing Conditions GX No. 749946C

The current crossing protection is lights, gates, and bell with the necessary signage and pavement marking. There are no channelization devices nor are there any traffic lights. A copy of the current Grade Crossing Inventory form is attached as Exhibit A.

The most recent train v motor vehicle collision was in 2006. Prior to this there were a total of 6 in

12 years. There are no reports of trespasser collisions related to the crossing.

POTENTIAL CHANGES

Demographics

Potential future development west of the crossing could result in increased recreational, commercial, residential or other uses.

Railroad – None

Highway

Improvements at this crossing could potentially include widening of Mowry Ave through the crossing, the addition of a sidewalk on the south side and other necessary upgrades to the crossing to allow the crossing to be considered for inclusion in a quiet zone. A drawing showing these improvements is attached as Exhibit B.

Quiet Zone Analysis

49 CFR Part 222 et seq provides the overall regulatory guidance for the establishment of a Quiet Zone. The regulatory process and the requirements are summarized in the Federal railroad administration pamphlet in *Guide to The Quiet Zone Establishment Process*¹². Appendixes A and B respectively define Supplementary Safety Measures (SSMs) and Alternative Safety Measures (ASMs).

All public highway-rail crossings in the quiet zone must have, at a minimum, an automatic warning system consisting of flashing lights and gates. The warning systems must be equipped with constant warning time devices (except in rare circumstances) and power out indicators.

There are four separate criteria which may be used to determine whether a crossing may be included in a Quiet Zone.

1. Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs and or ASMs.
2. The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.
3. The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.
4. The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.

Analyzed with each of these sets of criteria the results are as follows:

1. Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs and or ASMs.

The SSMs defined in Appendix A to Part 222. These SSMs are: 1) Medians and/or Channelization devices; 2) One-way streets with gates; 3) Four quadrant gate systems; and 4) Temporary or

¹² <https://railroads.dot.gov/sites/fra.dot.gov/files/2020-05/QuietZoneBrochure.pdf>

permanent closure (of the crossing).

The drawings provided show, in addition to the basic light gate combination, a 6-inch-high median on both sides of the crossing with flexible tubular delineators on the western/southern side of the of the crossing. This median meets the requirement¹³ for an additional SSM and the crossing is eligible for inclusion.

2. The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.

The NSRT is 15,488 and the QZRI is 36,301.06. for the unmodified crossing. This does not meet the criteria for inclusion.

3. The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.

The NSRT is 15,488 and the QZRI is 9,075.27 for the crossing with the added SSMs. This qualifies the crossing for inclusion.

4. The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.

The RIWH 21,763.23 and the QZRI is 9,075.27 for the crossing with the added SSMs This qualifies the crossing for inclusion.

Summary

In Summary Mowry Ave may be qualified as a Quiet Zone With the installation of the Supplemental Safety Measure (SSM) two-quadrant gates, given that raised medians are part of the Union Pacific Railroad Improvements Plan.

¹³ Due to the precise nature of the language used in the Grade Crossing Risk Calculator RLBA recommends the addition of reflective delineators on both sides of the crossing

Exhibit A
Grade Crossing Inventory Form

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K, are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 10 / 14 / 2021	B. Reporting Agency ☒ Railroad ☐ Transit ☐ State ☐ Other	C. Reason for Update (Select only one) ☒ Change in Data ☐ New Crossing ☐ Closed ☐ Re-Open ☐ Date Change Only ☐ Change in Primary Operating RR	☐ No Train Traffic ☐ Quiet Zone Update ☐ Admin. Correction	D. DOT Crossing Inventory Number 749946C
---	--	---	---	--

Part I: Location and Classification Information

1. Primary Operating Railroad Union Pacific Railroad Company [UP]		2. State CALIFORNIA	3. County ALAMEDA
4. City / Municipality ☒ In ☐ Near NEWARK	5. Street/Road Name & Block Number MOWRY AVENUE (Street/Road Name) * (Block Number)		6. Highway Type & No. Is
7. Do Other Railroads Operate a Separate Track at Crossing? ☐ Yes ☒ No If Yes, Specify RR		8. Do Other Railroads Operate Over Your Track at Crossing? ☒ Yes ☐ No If Yes, Specify RR ATK	
9. Railroad Division or Region ☐ None NORTHERN CALIFORNIA	10. Railroad Subdivision or District ☐ None Coast Sub	11. Branch or Line Name ☒ None	12. RR Milepost 0032.253 (prefix) (nnnn.nnn) (suffix)
13. Line Segment *	14. Nearest RR Timetable Station *	15. Parent RR (if applicable) ☒ N/A	16. Crossing Owner (if applicable) ☐ N/A UP
17. Crossing Type ☒ Public ☐ Private	18. Crossing Purpose ☒ Highway ☐ Pathway, Ped. ☐ Station, Ped.	19. Crossing Position ☒ At Grade ☐ RR Under ☐ RR Over	20. Public Access (If Private Crossing) ☐ Yes ☐ No
21. Type of Train ☒ Freight ☐ Intercity Passenger ☐ Commuter		☐ Transit ☐ Shared Use Transit ☐ Tourist/Other	
22. Average Passenger Train Count Per Day ☒ Less Than One Per Day ☐ Number Per Day			
23. Type of Land Use ☒ Open Space ☐ Farm ☐ Residential ☐ Commercial ☐ Industrial ☐ Institutional ☐ Recreational ☐ RR Yard			
24. Is there an Adjacent Crossing with a Separate Number? ☐ Yes ☒ No If Yes, Provide Crossing Number		25. Quiet Zone (FRA provided) ☒ No ☐ 24 Hr ☐ Partial ☐ Chicago Excused Date Established	
26. HSR Corridor ID ☒ N/A	27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 37.5155950	28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -122.0120960	29. Lat/Long Source ☒ Actual ☐ Estimated
30.A. Railroad Use *		31.A. State Use * CPUC 001L-32.20	
30.B. Railroad Use *		31.B. State Use *	
30.C. Railroad Use *		31.C. State Use *	
30.D. Railroad Use *		31.D. State Use *	
32.A. Narrative (Railroad Use) * Amtrak operates Capital Corridor		32.B. Narrative (State Use) *	
33. Emergency Notification Telephone No. (posted) 800-848-8715		34. Railroad Contact (Telephone No.) 402-544-3721	35. State Contact (Telephone No.) 415-703-3722

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 12	1.B. Total Night Thru Trains (6 PM to 6 AM) 12	1.C. Total Switching Trains 4	1.D. Total Transit Trains 18	1.E. Check if Less Than One Movement Per Day ☐ How many trains per week?
2. Year of Train Count Data (YYYY) 2019		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 79 3.B. Typical Speed Range Over Crossing (mph) From 35 to 60		
4. Type and Count of Tracks Main 2 Siding 0 Yard 1 Transit 0 Industry 0				
5. Train Detection (Main Track only) ☒ Constant Warning Time ☐ Motion Detection ☐ AFO ☐ PTC ☐ DC ☐ Other ☐ None				
6. Is Track Signaled? ☒ Yes ☐ No		7.A. Event Recorder ☐ Yes ☒ No		7.B. Remote Health Monitoring ☐ Yes ☒ No

FORM FRA F 6180.71 (Rev. 08/03/2016)

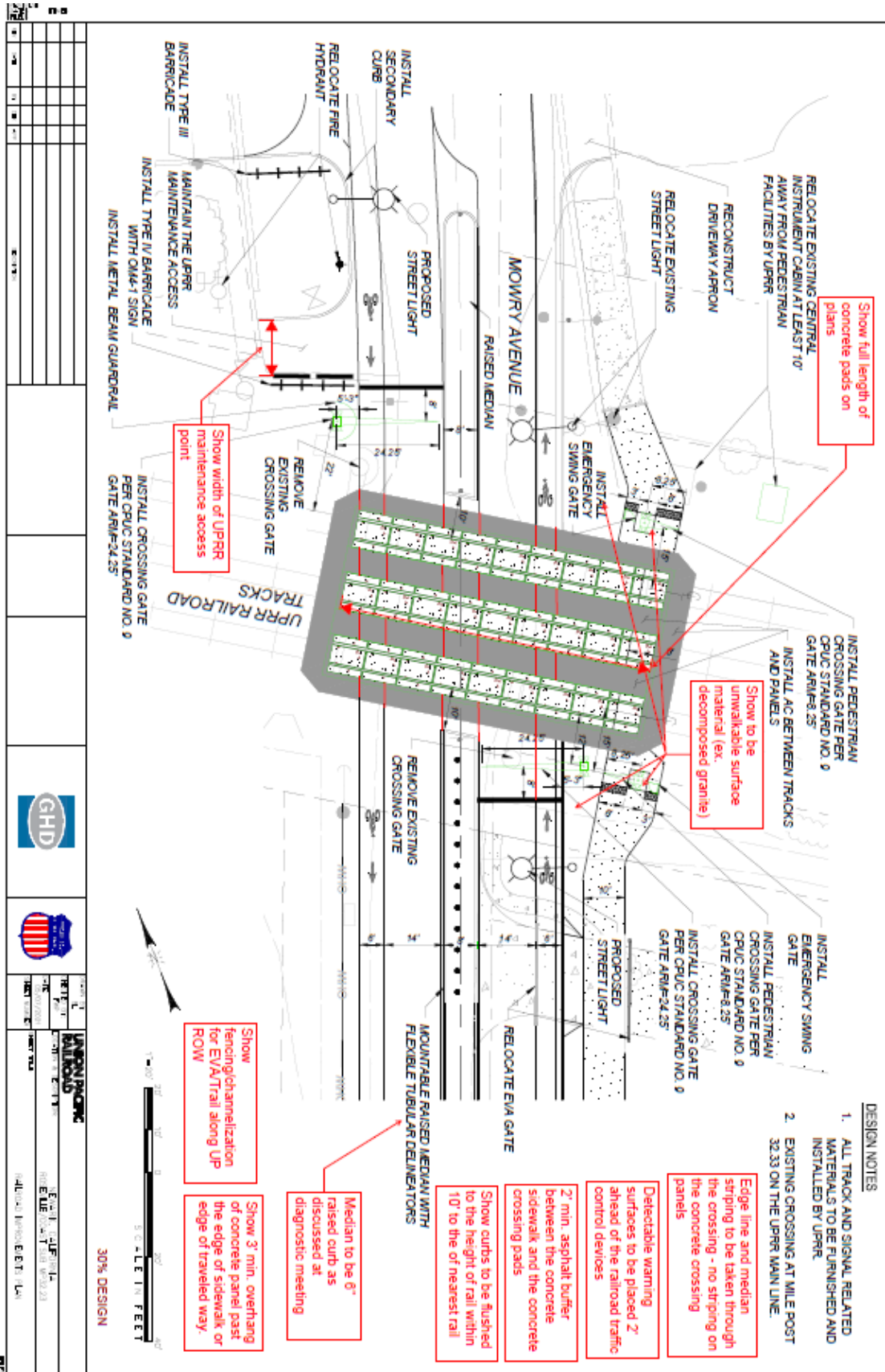
OMB approval expires 11/30/2022

Page 1 OF 2

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 10/14/2021		PAGE 2		D. Crossing Inventory Number (7 char.) 749946C	
Part III: Highway or Pathway Traffic Control Device Information					
1. Are there Signs or Signals? ☒ Yes ☐ No					
2. Types of Passive Traffic Control Devices associated with the Crossing					
2.A. Crossbuck Assemblies (count) 0		2.B. STOP Signs (R1-1) (count) 0		2.C. YIELD Signs (R1-2) (count) 0	
2.D. Advance Warning Signs (Check all that apply; include count) ☐ None					
☒ W10-1 <u>1</u> ☐ W10-3 <u> </u> ☐ W10-11 <u> </u> ☐ W10-2 <u> </u> ☐ W10-4 <u> </u> ☐ W10-12 <u> </u>					
2.E. Low Ground Clearance Sign (W10-5) ☐ Yes (count <u> </u>) ☒ No		2.F. Pavement Markings ☒ Stop Lines ☐ Dynamic Envelope ☒ RR Xing Symbols ☐ None		2.G. Channelization Devices/Medians ☐ All Approaches ☐ Median ☐ One Approach ☒ None	
2.H. EXEMPT Sign (R15-3) ☒ Yes ☐ No		2.I. ENS Sign (I-13) Displayed ☒ Yes ☐ No			
2.J. Other MUTCD Signs ☒ Yes ☐ No Specify Type <u> </u> Count <u> </u> Specify Type <u> </u> Count <u> </u> Specify Type <u> </u> Count <u> </u>		2.K. Private Crossing Signs (if private) ☐ Yes ☐ No		2.L. LED Enhanced Signs (List types) 0	
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count) Roadway <u>2</u> Pedestrian <u>0</u>		3.B. Gate Configuration ☒ 2 Quad ☐ Full (Barrier) ☐ 3 Quad Resistance ☐ 4 Quad Median Gates		3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane <u>0</u> ☐ Incandescent Not Over Traffic Lane <u>0</u> ☐ LED	
3.D. Mast Mounted Flashing Lights (count of masts) <u>2</u> ☐ Incandescent ☒ LED ☒ Back Lights Included ☐ Side Lights Included		3.E. Total Count of Flashing Light Pairs 4			
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) <u> </u> / <u> </u> / <u> </u> ☒ Not Required		3.G. Wayside Horn ☐ Yes Installed on (MM/YYYY) <u> </u> / <u> </u> / <u> </u> ☒ No		3.H. Highway Traffic Signals Controlling Crossing ☐ Yes ☒ No	
3.I. Bells (count) 2		3.J. Non-Train Active Warning ☐ Flagging/Flagman ☐ Manually Operated Signals ☐ Watchman ☐ Floodlighting ☒ None		3.K. Other Flashing Lights or Warning Devices Count <u>0</u> Specify type <u> </u>	
4.A. Does nearby Hwy Intersection have Traffic Signals? ☐ Yes ☒ No		4.B. Hwy Traffic Signal Interconnection ☒ Not Interconnected ☐ For Traffic Signals ☐ For Warning Signs		4.C. Hwy Traffic Signal Preemption ☐ Simultaneous ☐ Advance	
5. Highway Traffic Pre-Signals ☐ Yes ☒ No Storage Distance * <u> </u> Stop Line Distance * <u> </u>		6. Highway Monitoring Devices (Check all that apply) ☐ Yes - Photo/Video Recording ☐ Yes - Vehicle Presence Detection ☐ None			
Part IV: Physical Characteristics					
1. Traffic Lanes Crossing Railroad Number of Lanes <u>2</u> ☐ One-way Traffic ☒ Two-way Traffic ☐ Divided Traffic		2. Is Roadway/Pathway Paved? ☒ Yes ☐ No		3. Does Track Run Down a Street? ☐ Yes ☒ No	
4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) ☒ Yes ☐ No					
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) <u> </u> / <u> </u> / <u> </u> Width * <u> </u> Length * <u> </u>					
☐ 1 Timber ☐ 2 Asphalt ☒ 3 Asphalt and Timber ☒ 4 Concrete ☐ 5 Concrete and Rubber ☐ 6 Rubber ☐ 7 Metal ☐ 8 Unconsolidated ☐ 9 Composite ☐ 10 Other (specify) <u> </u>					
6. Intersecting Roadway within 500 feet? ☐ Yes ☒ No If Yes, Approximate Distance (feet) <u> </u>		7. Smallest Crossing Angle ☐ 0° - 29° ☐ 30° - 59° ☒ 60° - 90°		8. Is Commercial Power Available? * ☒ Yes ☐ No	
Part V: Public Highway Information					
1. Highway System ☐ (01) Interstate Highway System ☐ (02) Other Nat Hwy System (NHS) ☐ (03) Federal Aid, Not NHS ☒ (08) Non-Federal Aid		2. Functional Classification of Road at Crossing ☐ (0) Rural ☒ (1) Urban ☐ (1) Interstate ☐ (5) Major Collector ☐ (2) Other Freeways and Expressways ☐ (3) Other Principal Arterial ☐ (6) Minor Collector ☐ (4) Minor Arterial ☒ (7) Local		3. Is Crossing on State Highway System? ☐ Yes ☒ No	
4. Highway Speed Limit 35 MPH ☒ Posted ☐ Statutory		5. Linear Referencing System (LRS Route ID) *		6. LRS Milepost *	
7. Annual Average Daily Traffic (AADT) Year <u>2016</u> AADT <u>905</u>		8. Estimated Percent Trucks <u>30</u> %		9. Regularly Used by School Buses? ☐ Yes ☒ No Average Number per Day <u> </u>	
10. Emergency Services Route ☐ Yes ☐ No					
Submission Information - This information is used for administrative purposes and is not available on the public website.					
Submitted by <u> </u> Organization <u> </u> Phone <u> </u> Date <u> </u>					
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.					

Exhibit B
Union Pacific Railroad Improvements



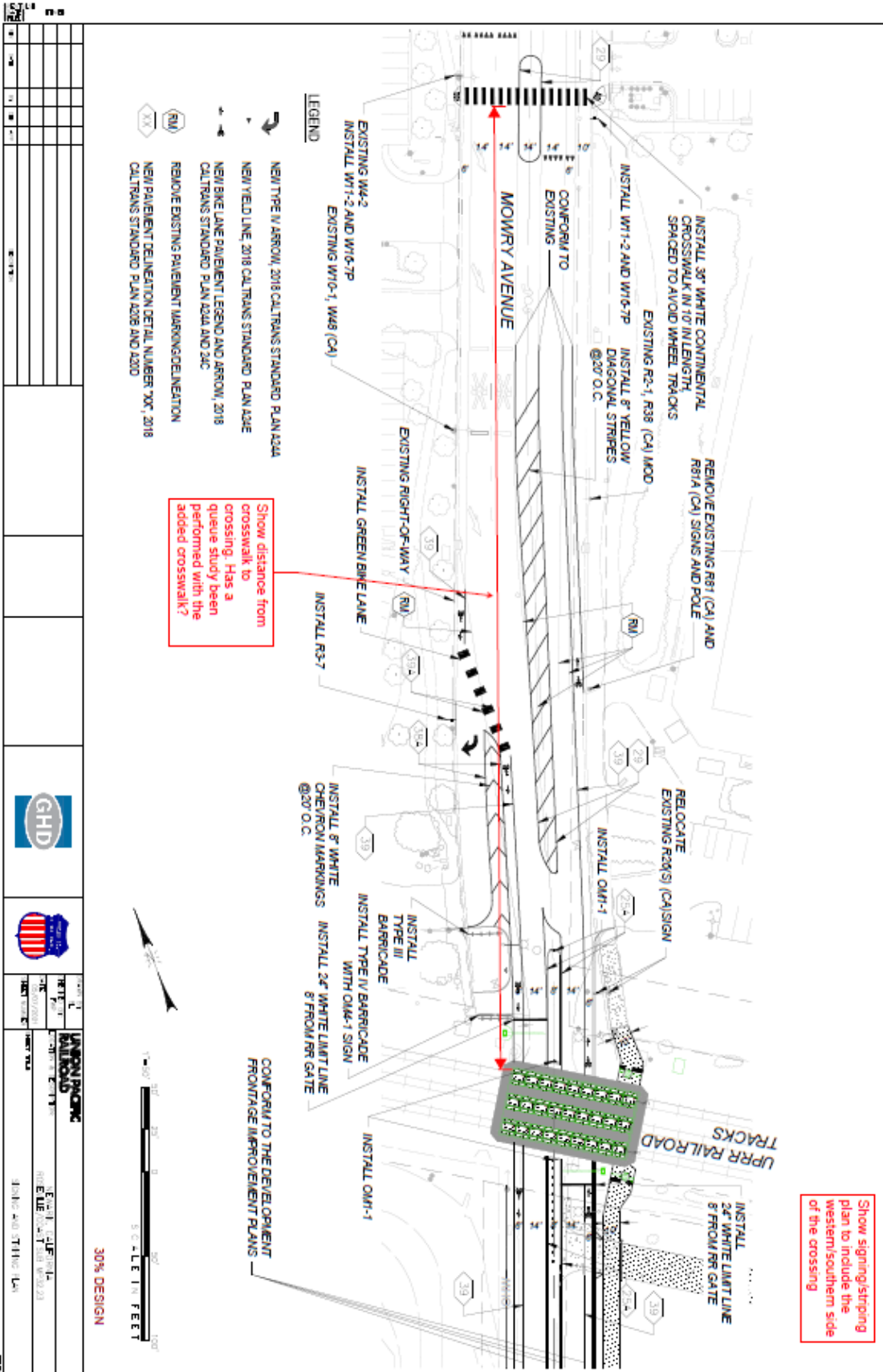


Exhibit C
Quiet Zone Crossing Eligibility Matrix

Quiet Zone Crossing Eligibility Matrix					
Crossing Number	749946C				
Street Name	Mowery Ave				
	SSMs / ASMs Installed / Proposed	NSRT / RWIH	QRZI Without SSM / ASM	QRZI With SSM / ASM	Qualifying
1 Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs and or ASMs					
Supplementary Safety Measures (SSM)					
Medians/ Channelization Devices	Yes				Yes
One-way Streets with gates					
Four Quadrant gate systems					
Temporary or permanent closures					
Alternative Safety Measures (ASM)					
2 The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.		15,488.00	36,301.06		20,813.06 No
3 The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.		15,488.00		9,075.27	6,412.73 Yes
4 The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.		21,763.23		9,075.27	12,687.96 Yes

Newark, California Rail-Highway Grade Crossing Quiet Zone Feasibility Study

Prepared by:

R.L Banks & Associates, Inc.

Arlington, Virginia

Michael Allen

Thomas Messer

mallen@rlbadc.com

tmesser@rlbadc.com

Newark, California

Grade Crossing Inventory

FRA Crossing #	Cal PUC Crossing #	RR	Type	Position	Status	Mile post	City	RR SubDivision	Street	Quiet Zone		
										Proposed	Eligible	
749937D	001L-29.10	UP	Public	At Grade	Open	29.10	Newark	Coast Sub	Jarvis Avenue	P	Y	Coast Subdivision Quiet Zone
749938K	001L-29.30	UP	Public	At Grade	Open	29.31	Newark	Coast Sub	Haley Street	P	Y	
922029U		UP	Private	At Grade	Open	29.58	Newark	Coast Sub	Private	NA		
749939S	001L-30.00	UP	Public	At Grade	Open	30.05	Newark	Coast Sub	Mayhews Landing Rd	P	Y	
749940L	001L-30.40	UP	Public	At Grade	Open	30.42	Newark	Coast Sub	Thornton Avenue	P	Y	
749941T	001L-30.60	UP	Public	At Grade	Open	30.62	Newark	Coast Sub	Carter Avenue	P	Y	
749943G	001L-31.10	UP	Public	At Grade	Open	31.12	Newark	Coast Sub	Central Avenue	P	Y	
450368T		UP	Private	At Grade	Open	31.29	Newark	Coast Sub	Private Crossings in	N	N	Excluded
749944N		UP	Private	At Grade	Open	31.70	Newark	Coast Sub	Yard Limits	N	N	
749946C	001L-32.20	UP	Public	At Grade	Open	32.25	Newark	Coast Sub	Mowry Avenue	P	Y	Mowry Quiet Zone
749950S	001DAB-36.40	UP	Private	At Grade	Open	33.40	Fremont	Coast Sub	Stevenson Blvd	NA		
750033G	001DAB-38.60	UP	Public	At Grade	Open	33.70	Newark	Niles Sub	Cedar Road	P	Y	Niles Subdivision Quiet Zone
750032A	001DAB-37.80	UP	Public	At Grade	Open	34.46	Newark	Niles Sub	Cherry Street	P	Y	
750030L	001DAB-37.50	UP	Public	At Grade	Open	34.77	Newark	Niles Sub	Sycamore Street	P	Y	
750021M		UP	Public	At Grade	Open	36.42	Newark	Newark Ind Ld	Willow Road	N	N	Newark Industrial Lead Excluded
750024H	001DAB-36.70	UP	Public	At Grade	Open	36.78	Newark	Newark Ind Ld	Spruce Street	N	N	
750028K	001DAB-37.10	UP	Public	At Grade	Open	37.06	Newark	Newark Ind Ld	Ash Street	N	N	

Map of Newark Grade Crossings

Showing Potential
Quiet Zones

Key:

Recommended
Coast Subdivision
Mowry Avenue
Niles Subdivision

Not Recommended
Newark Industrial Lead

Newark, CA - Rail Crossings - Quiet Zone Study

Rail Crossings

- ✕ Jarvis Ave. - Central Ave.
- ✕ Newark Industrial Lead
- ✕ Niles Subdivision
- ✕ Mowry Ave.

Jarvis Ave - Central Ave

— Jarvis Ave. - Central Ave.

Mowry Ave

— Mowry Ave.

Niles Subdivision

— Niles Subdivision

Newark Industrial Lead

— Newark Industrial Lead

City of Newark Boundary



Jarvis Ave. - Central Ave.

- 1 Jarvis Avenue - 749937D
- 2 Haley Street - 749938K
- 3 Mayhews Landing Road - 749939S
- 4 Thornton Avenue - 749940L
- 5 Carter Avenue - 749941T
- 6 Central Avenue - 749943G

Mowry Ave.

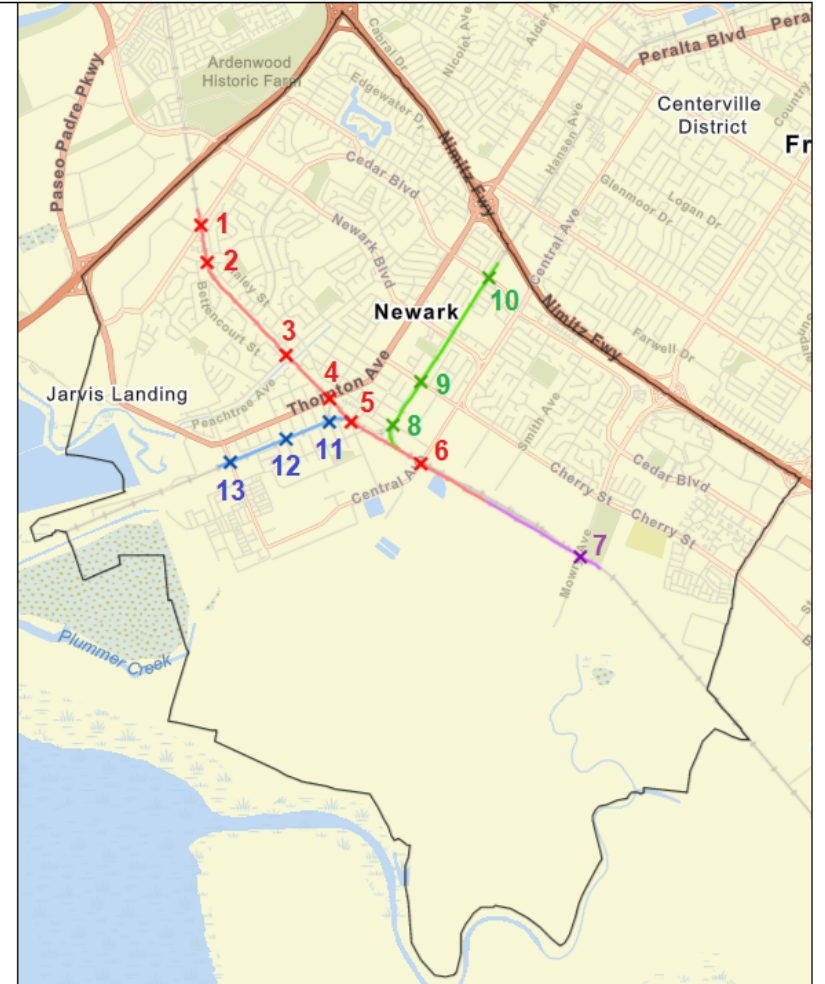
- 7 Mowry Avenue - 749946C

Niles Subdivision

- 8 Sycamore Street - 750030L
- 9 Cherry Street - 750032A
- 10 Cedar Boulevard - 750033G

Newark Industrial Lead

- 11 Ash Street - 750028K
- 12 Spruce Street - 750024H
- 13 Willow Street - 750021M



This map represents the RLBA response to the Newark City, California, Request for Proposal for the work titled: Railroad Quiet Zone Feasibility Study - Project 1276.

City of Fremont, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

Author: Winston Chu | Date Created: May 26, 2022 | Projection: Web Mercator

Sources: U.S. Department of Transportation, Federal Railroad Administration, California State Government/Open Data Portal

Possible and Recommended Quiet Zones

- Four possible Quiet Zones studied
- Three Recommended
 - Coast Subdivision between Jarvis Avenue and Central Avenue
 - Mowry Avenue
 - Niles Subdivision between Sycamore Street and Cedar Boulevard
- One Not Recommended
 - Newark Industrial Lead between Ash Street and Willow Road (Willow 'Street' in FRA database)
- Excluded Crossings
 - Four private crossings deemed not relevant to study

Recommended Improvements Coast Subdivision Quiet Zone

- Jarvis Avenue 749937D – No improvement needed
- Haley Street 749938K – Four-quadrant gates and collapsible bollards
- Mayhews Landing Road 749939S – Four-quadrant gates and collapsible bollards
- Thornton Avenue 749940L – Four-quadrant gates, cantilever signals, collapsible bollards and an additional crossing signal with a “Do Not Block Fire Station” sign west of the fire station
- Carter Avenue 749941T – Double-gate on each side and extend the median on the northbound side
- Central Avenue 749943G – Crossing to be grade separated
- Quiet Zone Risk Index **1,691.05** versus Current Risk index **51,907.00**

Recommended Improvements Mowry Avenue Quiet Zone

- Mowry Avenue 749946C plans submitted by the developer meet the criteria for a Quiet Zone
- Quiet Zone Risk Index 5,412.73 versus Current Risk Index 36,301.06

Recommended Improvements

Niles Subdivision Quiet Zone

- Cedar Boulevard 750033G - Four-quadrant gates and collapsible bollards
- Cherry Street 750032A – No crossing improvements needed. Intersection with Baine Avenue on the west side needs to be reconfigured to meet the 60-foot separation requirement and may need a waiver
- Sycamore Street 750030L – Four-quadrant gates along with additional center striping and collapsible bollards
- Quiet Zone Risk Index **6,366.50** versus Current Risk Index **47,710.57**

Newark Industrial Lead Quiet Zone – Not Recommended

- Recommend removing all crossing signals on the industrial lead and replacing them with crossbucks
- Non-working signals are a safety hazard

Private Crossings Excluded From Study

- Excluded Crossings
 - 22029U MP 29.58 Coast Subdivision gated private access road to access the drainage canal
 - 450368T MP 31.29 and 749944N MP 31.7 Coast Subdivision private crossings within Yard Limits
 - 749950S MP 33.40 Coast Subdivision Stevenson Boulevard private crossing at the Fremont city line

Railroad Crossing Elimination Program

- Competitive grants
 - Authorizes \$2.5 billion; appropriates \$3 billion
 - FY22: \$575 million
- Eligible projects:
 - Grade separation or closure
 - Track relocation
 - Improvement or installation of safety equipment
 - Other crossing safety projects
 - Groups of related projects
 - Planning and design
- Railroad approval is required before proceeding to construction
- Federal share may not exceed 80%

Program Highlights

- No more than 20 percent of funding in any one state
- At least 20 percent of funds for rural or Tribal areas
- 0.25 percent of funding for safety information and education programs
- **At least 3 percent of funding for planning grants**

Evaluation of Applications

- **Primary evaluation:**

- ✓ Improve Safety
- ✓ Grade separate, eliminate, or close crossings
- ✓ Improve mobility
- ✓ Reduce emissions, protect the environment, and provide community benefits
- ✓ Improve access for emergency services
- ✓ Provide economic benefits
- ✓ Improve access to communities separated by rail crossings

- **Considerations:**

- ✓ Innovation
- ✓ Use of local labor
- ✓ Improve mobility for multiple modes of transportation
- ✓ State planning
- ✓ Financial Support from Rail Carriers

Administration and Secretarial Objectives

- Addressing Climate Change, Sustainability, and Resiliency
- Improving Equity and Community Connections
- Improving Safety and Efficiency
- Creating Good Jobs and Economic Opportunities



STAFF REPORT

Item F. 2.

DATE 07/14/2022
TO Honorable Mayor and City Council Members
FROM Lenka Hovorka, Assistant City Manager
SUBJECT Introduction of an Ordinance amending Chapter 2.09 of the Newark Municipal Code ("City Councilmembers-Salaries") to increase the salaries of City Councilmembers and Mayor by ten percent (10%)

RECOMMENDATION

Staff recommends that the City Council waive full reading and, by title only, introduce an ordinance amending Chapter 2.09 of the Newark Municipal Code ("City Councilmembers-Salaries") to increase the salaries of City Councilmembers and Mayor by ten percent (10%).

EXECUTIVE SUMMARY

Chapter 2.09 of the Newark Municipal Code requires that the City Council, as part of the two-year biennial budget cycle, review its compensation and consider increases in the Consumer Price Index for the region and increases in compensation awarded to staff since the previous adjustment to City Council compensation. On June 23, 2022, the City Council directed staff to return with an ordinance increasing Councilmember and Mayor salaries by ten percent (10%). The City Attorney prepared the proposed ordinance and it is included for the City Council's consideration.

BACKGROUND

The monthly salary and benefits for the Mayor and City Council are set by City ordinance. The Mayor's salary is currently set at \$2,727 per month and City Councilmembers' salaries are set at \$1,247 per month. These salaries were last increased in January, 2019, which was more than 11 years since the prior adjustment.

At the Newark City Council meeting held on May 26, 2022, City staff requested the Council provide direction on whether it would like to consider an ordinance for adjustment of the salaries for City Councilmembers and the Mayor. The Council directed staff to return for Council consideration an ordinance that would reflect a three percent (3%) salary increase for the Councilmembers and Mayor, which was presented at the June 23, 2022 City Council meeting. At the June 23, 2022 meeting, the City Council voted 4 - 1 to direct staff to return with an ordinance for Council consideration that would reflect a ten percent (10%) salary increase for the Councilmembers and Mayor.

DISCUSSION/ANALYSIS

City Council considered the Consumer Price Index for the region and increases in compensation awarded to staff since the previous adjustment to City Council compensation. Since the Councilmembers' and Mayor's last increase in compensation effective January 1, 2019, the Consumer Price Index for the region totaled approximately 10% cumulative for the periods of February 2020, 2021, and 2022. City staff received a 1.5% salary increase effective July 1, 2020, and an additional 1.5% effective July 1, 2022.

At the May 26, 2022 City Council meeting, the Mayor and City Councilmembers initially discussed their compensation and asked staff to return with an ordinance for Council consideration that would reflect a three percent (3%) salary increase for the Councilmembers and Mayor. At the June 23, 2022 City Council meeting, the Mayor and City Councilmembers had a further discussion regarding their compensation and asked staff to return with an ordinance for Council consideration that would reflect a ten percent (10%) salary increase for the Councilmembers and Mayor.

The City Attorney has prepared a draft ordinance that would, starting January 1, 2023, increase the salary of Councilmembers from \$1,247 per month to \$1,371. The Mayor's salary would increase from \$2,727 per month to \$2,999 per month. There are no other proposed revisions.

FISCAL IMPACT

The proposed ten percent (10%) increase in salaries will result in a fiscal impact of \$9,216 annually. This is \$6,468 more than the initial proposed increase of three percent (3%). For fiscal year 2022-23, the impact is \$4,608, as the increases are proposed to be effective January 1, 2023, the mid-point of the fiscal year.

REVIEW AND APPROVAL

Prepared by – Lenka Hovorka, Assistant City Manager and Kristopher J. Kokotaylo, City Attorney

Approved by – David J. Benoun, City Manager

Attachments

Council Compensation Ordinance

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING
CHAPTER 2.09, CITY COUNCILMEMBERS-COMPENSATION, OF THE NEWARK
MUNICIPAL CODE TO INCREASE THE SALARIES OF CITY COUNCILMEMBERS
AND MAYOR BY TEN PERCENT (10%)**

WHEREAS, Chapter 2.09 ("City Councilmembers-Compensation") of the Newark Municipal Code provides for the payment of salaries and benefits to Newark City Councilmembers and the Mayor; and

WHEREAS, Section 2.09.010 authorizes the City to pay Councilmembers a salary of one thousand two hundred forty-seven dollars (\$1,247) per month; and

WHEREAS, said section authorizes the City to pay the Mayor a salary of two thousand seven hundred twenty-seven dollars (\$2,727) per month; and

WHEREAS, said salaries took effect January 1, 2019; and

WHEREAS, City Councilmembers and Mayor have not received an increase in salary since January 1, 2019; and

WHEREAS, the City Council is authorized by Government Code Section 36516 to increase the salary of Councilmembers and the Mayor in an amount not to exceed five percent (5%) per calendar year from the operative date of the last adjustment of salary; and

WHEREAS, the City Council is authorized by Government Code Section 36516.1 to pay an elected Mayor salary in excess to that which they receive as a Councilmember; and

WHEREAS, at the City Council meetings held on May 26, 2022 and June 23, 2022, City staff presented to the Council regarding the Mayoral and City Council Member salary and benefits; and

WHEREAS, the City Council desires to increase salary of the Councilmembers and Mayor by ten percent (10%) starting January 1, 2023.

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

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment of Section 2.09.010 the Newark Municipal Code. Subsections (A) and (B) of Section 2.09.010 ("Salary") of Chapter 2.09 ("City Council") of Title 2 ("Administration and Personnel") are hereby amended as follows (replacements in double underline; deletions in ~~strikethrough~~):

2.09.010 Salary.

- A. Pursuant to Government Code Sections 36516 and 36516.5, each councilmember, other than the mayor, shall receive a salary of ~~one thousand two hundred forty seven dollars~~ one thousand three hundred seventy-one dollars per month commencing ~~January 1, 2019~~ January 1, 2023.
- B. Pursuant to Government Code Section 36516.1, the elective mayor shall receive compensation in the amount of ~~two thousand seven hundred twenty seven dollars~~ two thousand nine hundred ninety-nine dollars per month commencing ~~January 1, 2019~~ January 1, 2023.

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 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. In accordance with Government Code section 36516.5, this ordinance shall take effect January 1, 2023. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in the Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.