



CITY OF NEWARK CITY COUNCIL

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City Administration Building
7:30 p.m.
City Council Chambers

Minutes

Thursday, December 13, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, Bucci, and Hannon.

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of November 8, 2018. **MOTION APPROVED**

Council Member Bucci moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Presentation of election certificates and administration of Oath of Office.

City Clerk Harrington administered the Oath of Office to Mayor Nagy and Council Member Hannon. Supervisor Valle administered the Oath of Office to Council Member Bucci.

C.2 Commending City Manager John Becker on his retirement.

The City Council presented a commendation to City Manager Becker in honor of his retirement.

The Mayor called for a recess at 7:56 p.m. The meeting resumed at 8:07 p.m.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider adopting the California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the 'Cargill Plummer Slough Bridge Project', for a clear span bridge over Plummer

Slough within Cargill, Incorporated’s solar salt production facility at 7220 Central Avenue. RESOLUTION NO. 10862

Assistant City Manager Grindall stated that Cargill, Incorporated (Cargill) requested permission to build a bridge over Plummer Slough adjacent to Cargill’s salt ponds. This alternative access route would allow Cargill to bring within its property traffic that would otherwise run through public streets and adjacent to residential development.

Mayor Nagy opened the public hearing at 8:12 p.m.

Ric Notini, Cargill Land Resource Manager stated that they hoped to begin construction of the bridge next spring or summer. He estimated that it would take up to 6 months to build.

Mayor Nagy closed the public hearing at 8:15 p.m.

Council Member Bucci moved, Council Member Collazo seconded to, by resolution, adopt the California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Cargill Plummer Slough Bridge Project. The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Bucci requested the removal of item F.6. for separate consideration.

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

CONSENT

- F.1 Second reading and adoption of an ordinance amending Newark Municipal Code Section 17.03.020 “Official Zoning Map and District Boundaries” to rezone the real property on Vesting Tentative Map 8459 for the Compass Bay residential project located at 8610 Enterprise Drive. ORDINANCE NO. 509**
- F.2 Approval of the 2019 Local Appointments List. MOTIONS(3) APPROVED**
- F.3 Approval of Measure D (Recycling Funds) Expenditure Plan and Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Years 2018-2019 and 2019-2020. RESOLUTION NO. 10863**

- F.4 Approval of reclassification of the Associate Planner to a Senior Planner and the Assistant Planner to an Associate Planner by amending the 2018-2020 Biennial Budget. RESOLUTION NO. 10864**
- F.5 Approval to add one Community Engagement Manager position by amending the Employee Classification Plan, and the Compensation and Benefit Plan for City Officials, Management, Supervisory and Professional Employees. RESOLUTION NO. 10865-10866**

NONCONSENT

- F.6 Consideration of a resolution declaring a shelter crisis in the City of Newark – pursuant to California Government Code Section 8698 et seq and authorizing participation in the Homeless Emergency Aid Program (HEAP) as authorized by Senate Bill 850. RESOLUTION NO. 10867**

City Manager Becker stated that the Homeless Emergency Aid Program (HEAP) will provide a one-time \$500 million block grant program to help address the homelessness crisis. To be eligible for HEAP funds, a local jurisdiction must declare a shelter crisis.

He stated that the City of Fremont has requested a partnership on programs to assist the homeless population in the two cities. Newark would allocate its eligible share of up to \$229,000 in HEAP funds to implement new or enhance existing homeless assistance programs to be administered by Fremont. Fremont is eligible to receive up to \$1,850,000.

The City Council requested that Fremont provide a report that shows how Newark's homeless population were assisted and provide a list of resources.

Wynn Greich suggested providing a parking lot for people to park and sleep in their cars overnight. She also suggested providing facilities to bathe and wash clothes.

Council Member Bucci moved, Council Member Hannon seconded, by resolution, declare a shelter crisis in the City of Newark pursuant to California Government Code Section 8698 et seq., and authorize participation in the Homeless Emergency Aid Program (HEAP) as authorized by Senate Bill 850. The motion passed, 5 AYES.

- F.7 Approval to reclassify, add and delete a variety of position classifications in the Building Inspection Division and Maintenance Division of the Public Works Department by amending the Employee Classification Plan, amending various compensation and benefit plans and memorandums of understanding, and amending the 2018-2020 Biennial Budget. RESOLUTION NO. 10868 - 10872**

Public Works Director Fajeau gave a presentation (on file with City Clerk) recommending the reclassifications.

Council Member Freitas moved, Council Member Bucci seconded to by resolutions: 1) amend Resolution No. 2505, Employee Classification Plan to add seven new classifications entitled Assistant Maintenance Superintendent, Senior Landscape Inspector, Plan Check Engineer, Building Inspector I, Building Inspector II, Project/Administrative Assistant, and Permit Technician; 2) amend Resolution No. 10675, the Memorandum of Understanding between the City of Newark and the Newark Association of Miscellaneous Employees to add four new classifications entitled Senior Landscape Inspector, Building Inspector I, Building Inspector II, and Permit Technician; 3) amend Resolution No. 10677, the Compensation and Benefit Plan for the City of Newark Confidential Employee Group to add one new classification entitled Project/Administrative Assistant; 4) amend Resolution No. 10678, the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Group to add two new classifications entitled Assistant Maintenance Superintendent and Plan Check Engineer; and 5) amend the 2018-2020 Biennial Budget to reclassify a Maintenance Supervisor to an Assistant Maintenance Superintendent, reclassify a Landscape Inspector to a Senior Landscape Inspector, reclassify a Building Inspector/Zoning Enforcement Officer to a Building Inspector I/II, reclassify two Building Inspector (PST-X) positions to two regular full-time Building Inspector I positions, reclassify an Administrative Assistant to a Project/Administrative Assistant, reclassify a Senior Administrative Support Specialist to a Permit Technician, add one Landscape and Park Maintenance Worker I position, add one Plan Check Engineer position, delete two Maintenance Supervisor positions, delete one Landscape Inspector position, delete one Assistant Building Official position, delete one Building Inspector/Zoning Enforcement Officer position, delete two Building Inspector (PST-X) positions, delete one Administrative Assistant position, delete one Senior Administrative Support Specialist position, and increase one regular part-time Senior Administrative Support Specialist position from 0.5-time to 0.75-time. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Appointment of David J. Benoun as City Manager effective December 29, 2018, and authorization for Mayor Nagy to execute an employment agreement. RESOLUTION NO. 10873**

City Attorney Benoun stated he had a conflict of interest and stepped down from the dais. Outside legal counsel Kristopher Kokotaylo joined the dais.

Mr. Kokotaylo stated that the employment agreement has been drafted that contains the terms of Mr. Benoun's employment as City Manager. Mr. Benoun's compensation would be \$20,341 monthly. Benefits include a contribution of 6% of earnings towards a 401(A) plan, health and welfare benefits (currently at \$ 785 per month), City paid life insurance coverage of \$20,000, a \$100 contribution towards a Retirement Health Savings Plan, an automobile allowance of \$400 per month, and holidays, general leave, bereavement leave, birthday leave, and recreation benefits.

His annual allotment of 56 hours per year of Management would be increased by an additional 45 hours on a one-time basis for Fiscal Year 2018-19. The City would also pay for reasonable expenses associated with Mr. Benoun's attendance at professional conferences.

Council Member Bucci moved, Council Member Hannon seconded to by resolution, appoint David J. Benoun as City Manager effective December 29, 2018, and authorize Mayor Nagy to execute a city manager employment agreement. The motion passed, 5 AYES.

Mr. Kokotaylo stepped down from the dais, and City Attorney Benoun returned to the dais.

I.2 Appointment of Kristopher J. Kokotaylo as Interim City Attorney effective December 29, 2018, and authorization for Mayor Nagy to execute an agreement for legal services with the law firm of Meyers, Nave, Riback, Silver & Wilson. RESOLUTION NO. 10874

City Attorney Benoun recommended appointing Kristopher J. Kokotaylo of Meyers, Nave, Riback, Silver & Wilson Interim City Attorney. Richard D. Pio Roda would serve as the Assistant City Attorney in the absence of Mr. Kokotaylo.

Council Member Hannon moved, Council Member Collazo seconded to by resolution, appoint Kristopher J. Kokotaylo as Interim City Attorney effective December 29, 2018, and authorize Mayor Nagy to execute an agreement for legal services with the law firm of Meyers, Nave, Riback, Silver & Wilson. The motion passed, 5 AYES.

I.3 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments.

**MOTION APPROVED
RESOLUTION NO. 10875**

Mayor Nagy thanked Council Member Hannon for his service as Vice Mayor this past year.

Council Member Hannon nominated Council Member Collazo as Vice Mayor.

Council Member Hannon moved, Council Member Bucci seconded, by motion, to appoint Council Member Collazo as Vice Mayor. The motion passed, 5 AYES.

Council Member Hannon moved, Council Member Bucci seconded, by resolution, to authorize the new Vice Mayor to sign and endorse checks, warrants, and other instruments. The motion passed, 5 AYES.

I.4 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. RESOLUTION NO. 10875

Mayor Nagy stated that the City Council Member appointments would remain the same for the upcoming year. The assignments for 2019 are as follows:

Alameda County Fire Advisory Commission	Council Members Bucci and Collazo – delegate and alternate
Alameda County Library Advisory Commission	Council Member Collazo and Mayor Nagy – delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Bucci and Hannon – delegates
Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Hannon and Freitas – delegate and alternate
Association of Bay Area Governments (ABAG)	Council Member Bucci and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Mayor Nagy and Council Member Bucci – delegate and alternate
Newark City Council –Board of Education Committee	Council Members Hannon and Collazo – delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic	Mayor Nagy - delegate

Information System Authority	Council Member Bucci - alternate
Tri-City Waste Facility Financing	Mayor Nagy and Council Member Hannon –Authority delegates

Council Member Bucci moved, Council Member Collazo seconded to by resolution, approve the appointments to the various agencies, boards, commissions, and committees. The motion passed, 5 AYES.

I.5 Declaring a vacancy on the Community Development Advisory Committee and authorizing the City Clerk to post a notice of vacancy.

MOTION APPROVED

Mayor Nagy stated that a vacancy has occurred on the Community Development Advisory Committee as a result of Kathleen Vennemeyer's death. He stated that a vacancy should be declared and the City Clerk authorized to post a notice of vacancy.

Council Member Freitas moved, Council Member Collazo seconded to, by motion, declare a vacancy on the Newark Community Development Advisory Committee and authorize the City Clerk to post a notice of vacancy. The motion passed, 5 AYES.

Mayor Nagy extended his condolences to the families of Lupe Torres and Kathleen Vennemeyer. He wished the community a Merry Christmas.

The City Council congratulated City Manager Becker on his retirement.

Council Member Collazo stated to shop Newark.

Council Member Bucci thanked City Manager Becker for his guidance and making him a better Council Member.

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

K. ORAL COMMUNICATIONS

Chris Moylen invited the public to Representative Ro Khanna's Town Hall meeting in San Jose on Sunday. He anticipated scheduling a meeting in Newark around April.

Wynn Grcich shared her concerns regarding the Paradise fire, water safety, and cremation. (Her hand outs are on file with City Clerk.)

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 116114 to 116415.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9:22 p.m.