



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

Minutes

Thursday, July 25, 2019

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:35 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of July 11, 2019.

MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced Aquatics Coordinator Stacy Burton and Associate Planner James Bergantino who recently joined the City of Newark.

C.2 Presentation of plaques to the Dog Park Naming Contest winners.

Mayor Nagy, Recreation and Community Services Director Zehnder, and Recreation Coordinator Dennis presented plaques to Belen Verduzco and Elwood Ballard. Plaques will be sent to Gabriella Mitchell, Heather Garcia, Carina Rodriguez, Elizabeth Macris, and Jessica Brown, who were unable to attend the meeting.

C.3 Proclaiming July as Parks and Recreation Month.

Mayor Nagy presented the proclamation to Recreation Coordinator Dennis.

C.4 Commending Eagle Scouts Rahul Sharma and Chance Hefter.

Mayor Nagy presented commendations to Rahul Sharma and Chance Hefter of the Mission Peak District of the Boy Scouts of America, Troop 186, who have each achieved the rank of Eagle Scout.

C.5 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival.

Mayor Nagy presented the proclamation to Duarte Teixeira.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E. 1 Hearing to consider a Conditional Use Permit to allow installation of a new 50 foot tall monopole communication tower located at 6590 Central Avenue. RESOLUTION NO. 10964

Acting Community Development Director Interiano gave the staff report recommending the replacement of existing wireless communication equipment from an existing silo to a new monopole. Two redwood trees would be planted which at maturity would screen the monopole from the residential neighborhood to the east

Mayor Nagy opened the public hearing at 7:55 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:56 p.m.

Council Member Hannon moved, Council Member Collazo seconded to, by resolution, approve U-19-2, a conditional use permit, to allow replacement communication equipment with a monopole telecommunication tower located at 6590 Central Avenue. The motion passed, 5 AYES.

E.2 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments. RESOLUTION NO. 10965

City Manager Benoun gave the staff report recommending approval. He noted that Exhibit A to the resolution was modified, after the packet was distributed, with a lower assessment amount for Map No. 53.

Mayor Nagy opened the public hearing at 7:58 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:59 p.m.

Council Member Hannon suggested reviewing the administrative fee at budget time to ensure appropriate cost recovery.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments. The motion passed, 5 AYES.

E.3 Hearing to consider establishment of an Underground Utility District on Newark Boulevard between Fair Avenue and Bellhaven Avenue (Newark Underground District No. 15). RESOLUTION NO. 10966

Public Works Director Fajeau stated that the City has \$2,723,527 available in funding as Work Credits through the Pacific Gas and Electric Rule 20A program. Staff received a notice from PG&E regarding the potential reallocation of Rule 20A Work Credits to fund an undergrounding project in the City of Live Oak. He recommended establishing a new underground utility district on Newark Boulevard between Fair Avenue and Bellhaven Avenue to avoid the proposed reallocation.

Mayor Nagy opened the public hearing at 8:07 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 8:08 p.m.

Council Member Freitas moved, Council Member Bucci seconded to, by resolution, establish an Underground Utility District on a portion of Newark Boulevard between Fair Avenue and Bellhaven Avenue (Newark Underground District No. 15). The motion passed, 5 AYES.

E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 1. RESOLUTION NO. 10967

City Manager Benoun stated that due to property ownership within Landscaping and Lighting Districts 10 and 11, Council Member Collazo will need to recuse from public hearings E.15 and E.16. He suggested that the City Council consider public hearings E.4-E.14 concurrently. Council Member Collazo should exit the chambers for E.15 and E.16, which then may be considered concurrently. The City Council agreed with this suggestion.

At 8:12 p.m. Mayor Nagy opened public hearings E.4 through E.14 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

No one came forward to speak.

At 8:13 p.m. Mayor Nagy closed public hearings E.4 through E.14, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

Council Member Collazo moved, Council Member Hannon seconded to, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 for the 2018-2019 fiscal year. The motion passed, 5 AYES.

- E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 2. RESOLUTION NO. 10968**
- E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 4. RESOLUTION NO. 10969**
- E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 6. RESOLUTION NO. 10970**
- E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7. RESOLUTION NO. 10971**
- E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13. RESOLUTION NO. 10972**
- E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15. RESOLUTION NO. 10973**
- E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16. RESOLUTION NO. 10974**
- E.12 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17. RESOLUTION NO. 10975**
- E.13 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 18. RESOLUTION NO. 10976**
- E.14 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 19. RESOLUTION NO. 10977**
- E.15 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10. RESOLUTION NO. 10978**

Council Member Collazo exited the City Council Chambers.

At 8:13 p.m. Mayor Nagy opened public hearings E.15 and E.16 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one came forward to speak.

At 8:14 p.m. Mayor Nagy closed public hearings E.15 through E.16, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Freitas moved, Council Member Hannon seconded to, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2018-2019 fiscal year. The motion passed, 4 AYES, 1 RECUSED (Collazo).

Council Member Collazo returned to the City Council Chambers.

E.16 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11. RESOLUTION NO. 10979

F. CITY MANAGER REPORTS - NONCONSENT

F.1 Authorization for financing the New Civic Center Project, including approving: lease financing documents related to the offering and sale of certificates of participation; and an amended and restated debt management policy. RESOLUTION NOS. 10980-10981

Craig Hill, NHA Advisors, LLC stated that the new Civic Center is estimated to cost \$88.7 million and will be funded by multiple sources. Staff recommends financing approximately \$61 million through the issuance of certificates of participation. He noted that the City could save \$1.7 million by refinancing and merging the \$8 million in outstanding General Fund obligations related to the Silliman Activity Center and fire station improvements. (Presentation on file with City Clerk.)

The City Council discussed the cost savings by refinancing previous projects, the timing of the total debt service, and the sunset of Measure GG.

Council Member Collazo moved, Council Member Hannon seconded to, by resolutions, approve: (1) the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of certificates of participation relating thereto to refinance certain outstanding obligations of the city and to finance a portion of the costs of the New Newark Civic Center and authorizing and directing certain actions with respect thereto; and (2) an amended and restated debt management policy and disclosure procedures for public debt issuances and related disclosure obligations. The motion passed, 5 AYES.

F.2 Authorization for the City Manager to execute a professional agreement with Tyler Technologies New World for the purchase of an Enterprise Resource Planning (ERP) System and related implementation services and project management services. RESOLUTION NO. 10982 CONTRACT NO. 19045

Finance Manager Lee gave the staff report recommending approval.

Cody Gunstenson and Charles Hallick (via telephone) of Tyler Technologies answered the City Council's questions regarding analytics, reports, and security.

Council Member Freitas moved, Council Member Bucci seconded to by resolution, authorize the City Manager to execute a professional agreement with Tyler Technologies New World for the purchase of an Enterprise Resource Planning (ERP) System in the amount not to exceed \$830,228. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Presentation of the Measure GG Transaction and Use Tax Oversight Committee Annual Report.

Mayor Nagy stated that this item would be rescheduled for a future meeting. (Measure GG Chair Lola was unable to attend the meeting.)

Mayor Nagy stated that the Civic Center groundbreaking ceremony would be held on August 8, 2019 at 5:30 p.m. at the corner of Thornton Avenue and Newark Boulevard. He stated that there would be no City Council meetings during the month of August. He announced that Council Member Bucci would be performing comedy at the San Francisco Punchline next week.

Council Member Collazo thanked Recreation and Community Services Director Zehnder and Administrative Assistant Rivera for helping make the Newark Mariachi Festival a success. She stated that Lyin I's would perform on August 2, 2019, at Shirley Sisk Grove. Shop Newark.

Council Member Bucci stated that his comedy performance at the San Francisco Punchline will be a benefit for the American Cancer Society. He stated that last outdoor movie night of the season would be on August 3 at the Silliman Activity Center Softball Fields.

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

K. ORAL COMMUNICATIONS

Ingrid O'Brien Avery requested that the City Council consider declaring the city a sanctuary city. She stated that the welcoming city declaration did not go far enough.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 118205 to 118346.

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 9:05 p.m.