



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, October 24, 2019

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of October 10, 2019.

MOTION APPROVED

Council Member Hannon moved, Council Member Freitas seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 3 AYES, 2 ABSENT.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced Police Officers Brandon McCuin and Jacob Langenstein.

C.2 Eden I&R (Information and Referral), Inc. Executive Director DeJung will give a presentation on their services.

Alison DeJung Executive Director of Eden I&R, Inc. gave a presentation on 211 which connects people to information and services (copy on file with City Clerk).

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Hannon moved, Council Member Freitas seconded, to approve Consent Calendar Items F.1 through F.2, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 3 AYES, 2 ABSENT.

CONSENT

- F.1 Approval to amend the 2018-2020 Biennial Budget to add a Vehicle Abatement Officer position in the Police Department.**
RESOLUTION NO. 10994
- F.2 Authorizing the City Manager to execute a Contractual Services Agreement with ACC Environmental Consultants to provide Hazardous Material Abatement Construction Observation, Sampling and Monitoring Services for the New Civic Center, Project 1188 Collier.**
RESOLUTION NO. 10995
CONTRACT NO. 17014

NONCONSENT

- F.3 Receive Evaluation Report and Consider Joining the East Bay Community Energy (“EBCE”) Community Choice Aggregation (“CCA”)**
MOTION APPROVED
RESOLUTION NO. 10996
ORDINANCE INTRODUCED

City Manager Benoun reviewed the background of Community Choice Aggregations and East Bay Community Energy (EBCE), the steps, benefits, and risks of joining EBCE. If approved, enrollment in EBCE would start in the Spring of 2021. (Presentation on file with City Clerk.)

Michael Preto, Aspen Environmental Group gave a presentation (on file with City Clerk) noting that the concerns the City Council raised in 2016 appear to have been addressed, CCAs have become a significant portion of the energy procurement market in California, and the EBCE appears to be appropriately managing its going forward risk.

The City Council discussed the public outreach needed for this to be successful. They requested that the outreach show the new bills in great detail for the public to understand, multiple community meetings at a variety of locations including the Senior Center, outreach materials in multiple languages, and that City Staff help identify outreach efforts.

Alex DiGiorgio EBCE Public Engagement Manager stated that if approved, they would begin hosting and attending meetings in the Spring of 2020.

Rachel DiFranco, Sustainability Manager for the City of Fremont spoke in favor of joining the EBCE. She stated that this would improve energy efficiency, reduce carbon related usage, and provide substantial benefits.

Wynn Grich stated that she liked the idea of a fraud clause in the agreement to allow an opt out in that circumstance. She suggest under grounding power lines.

In response to Ms. Grich, Mr. DiGiorgio stated that the Joint Powers Agreement has an indemnification clause, the individual parties would not be liable. He stated that if the City joined, their appointed member could suggest amendments at the committee meeting such as a fraud clause.

Erik Hentschke stated that he hoped EBCE would incentivize homeowners to provide energy into the grid.

Council Member Hannon moved, Council Member Freitas seconded to: introduce an ordinance authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2; Adopt a Resolution approving an Agreement to Participate in a Joint Powers Agency For Community Choice Aggregation Program In Alameda County; and Authorize the City Manager to execute a PG&E form that would request electric usage in the City of Newark be provided to EBCE for technical analysis purposes. The motion passed, 3 AYES, 2 ABSENT.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Approval of appointment of Planning Commissioner Aguilar to the Community Development Advisory Committee. RESOLUTION NO. 10997

Mayor Nagy recommended that Planning Commissioner Jeff Aguilar fill the Planning Commission seat on the Community Development Advisory Committee.

Council Member Hannon moved, Council Member Freitas seconded to by resolution, appoint Planning Commissioner Jeff Aguilar to the Community Development Advisory Committee. The motion passed, 3 AYES, 2 ABSENT.

Mayor Nagy stated that Shirley Buschke recently passed away. Council Members Freitas and Hannon gave their condolences to the Buschke family.

Council Member Freitas stated that library staff has reported a decline in attendance due to the Civic Center construction. He suggested placing library open signs around the Civic Center. He commended the Public Works Department for the recent pavement work around the City.

Mayor Nagy stated that the limited parking near the library contributed to the attendance decline.

Council Member Hannon stated that some of the library services are being moved to other locations and suggested including that information in the city newsletter. Shop Newark.

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

K. ORAL COMMUNICATIONS

Wynn Grich discussed water safety in California and her opinion that liquid cremation that was approved via Assembly Bill 967 should be repealed. She stated that bio sludge in the State of Texas was causing mad cow disease and would create the next pandemic.

Eric Hentschke, Alameda County Mosquito Abatement District Representative (District), stated that the new homes being built by the Mowry Slough are near a major mosquito habitat. The District is aware of this and is doing their best to address the situation.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 119126 to 119251.

Council Member Freitas moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 3 AYES, 2 ABSENT.

M. CLOSED SESSION

- M.1 Closed session pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: City Manager.**

At 9:24 p.m. the City Council recessed to a closed session.

At 9:30 p.m. the City Council convened in closed session.

At 10:18 p.m. the City Council reconvened in open session.

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9:24 p.m.