



CITY OF NEWARK CITY COUNCIL

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

MINUTES

Thursday, December 12, 2019

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of November 14, 2019.

Council Member Collazo 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 General Laborers Josue Lopez-Duenas, Miguel Sanchez-Casillas, and Public Safety Clerk Laura Da Silva to the City Council.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Approval to make a finding that City modifications to the State codes identified below are reasonably necessary because of local climatic, geological, or topographical conditions and hearing to consider adopting an ordinance amending the Newark Municipal Title 15 (Building and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), 15.23 (California Green Building Standards Code)

MOTION APPROVED - FINDINGS
ORDINANCE NO. 518

Chief Building Official / City Architect Collier gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:42 p.m.

No one from the audience spoke.

Mayor Nagy closed the public hearing at 7:43 p.m.

Council Member Hannon moved, Vice Mayor Collazo seconded, that the City Council, by motion, make a finding that City modifications to the State codes are reasonably necessary because of local climatic, geological, or topographical conditions and adopt an ordinance to amend Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Mechanical Code), 15.12 (Electrical Code), 15.16 (Plumbing Code), 15.17 (Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code). The motion passed, 5 AYES.

F. CITY MANAGER REPORTS

Council Member Bucci moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items F.1 through F.4, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8436 – Bridgeway Phase II (Lennar Homes of California, Inc.), a 243-unit residential subdivision within the Bayside Newark Specific Plan project area**
RESOLUTION NO. 11007
CONTRACT NO. 19061
- F.2 Approval of the 2020 Local Appointments List**
MOTIONS-3 APPROVED
- F.3 Authorizing the City Manager to execute a Side Letter Agreement with the City Officials and the Management, Supervisory, and Professional Employee Group to reinstate the classification Assistant Planner**
RESOLUTION NO. 11008

F.4 Authorization for the City Manager to execute change orders with Tyler Technologies New World and related implementation services and to execute future change orders within the project budget

**RESOLUTION NO. 11009
CONTRACT NO. 19045**

NONCONSENT

F.5 Approval of the cost-based adjustment increase of 6.51% to solid waste collection, recycling, and organics services maximum rates for Calendar Year 2020

RESOLUTION NO.11010

Senior Administrative Analyst Khuu-Seeman gave the staff report recommending approval.

Prior to setting the 2020 maximum rates for solid waste collection, recycling, and organics, Republic Services requested a cost-based analysis. They requested this thorough, in depth financial review for three reasons: 1) increased recycling processing costs due to China's national policy, 2) Newark's growth, and 3) bad debt.

The City of Newark's consultant, Garth Schultz, Principal, R3 Consulting Group, Inc., helped perform the analysis and gave the presentation (on file with the City Clerk). Republic Services representatives Joe Pulickal, Business Unit Finance Manager, and Emily Phillips, Municipal Relationship Manager, answered questions.

Republic Services originally requested a 9.4% increase (Rate Period #7). At the conclusion of the analysis R3 Consulting Group recommended a 6.57% increase and Republic Services has agreed.

Council Members were concerned that this increase would be a hardship for seniors and low income families and asked if Republic Services offered any help. Emily Phillips stated that there are programs that offer reduced rates to seniors and low income families. Residents also have the option of downsizing their containers to reduce the cost.

Council Member Hannon requested that staff: 1) Revisit an ordinance that allows for putting liens on delinquent accounts, 2) Include a table showing the different levels of service in Fremont and Union City in future reports, and 3) Research if services could be increased at locations.

In response to Mayor Nagy stating he has seen many commercial trash bins overflowing with garbage on a regular basis, Ms. Phillips stated they would follow up.

Council Member Bucci moved, Vice Mayor Collazo seconded, to, by resolution, authorize the cost-based adjustment increase of 6.51 % to the solid waste collection, recycling and organics services maximum rates for Calendar Year 2020. The motion passed, 5 AYES.

F.6 Approval of an Exception to the 180-Day Waiting Period for Post-Retirement Employment for Michael Carroll to serve as Interim Police Chief
RESOLUTION NO.11011

City Manager Benoun gave the staff report recommending approval.

Council Member Hannon moved, Vice Mayor Collazo seconded, to adopt a resolution to approve an exception to the 180-day waiting period for post-retirement employment for Michael Carroll to serve as Interim Police Chief pursuant to Government Code sections 7522.56 and 21221(h). The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District
RESOLUTION NO. 11012

Mayor Nagy recommended the reappointment of Eric Hentschke.

Council Member Freitas moved, Council Member Bucci seconded, to, by resolution, approve the reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District, for a term to expire on January 31, 2024. The motion passed, 5 AYES.

I.2 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments
MOTION APPROVED
RESOLUTION NO. 11013

Mayor Nagy thanked Vice Mayor Collazo for her service as Vice Mayor.

Mayor Nagy nominated Council Member Freitas as Vice Mayor.

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

I.3 Appointments of City Council Members to agencies, boards, commissions, and committees
RESOLUTION NO. 11014

Alameda County Fire Advisory
 Commission

Council Members Bucci and
 Collazo – delegate and alternate

Alameda County Library Advisory Commission	Council Members 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 Liaison 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 Information System Authority	Mayor Nagy - delegate Council Member Bucci - alternate
Tri-City Waste Facility Financing	Mayor Nagy and Council Member Hannon – Authority delegates

In addition to the annual assignments, Mayor Nagy appointed Council Member Hannon as a delegate and himself as an alternate to the East Bay Community Energy Board of Directors.

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

Mayor Nagy wished everyone a happy holiday season and a Merry Christmas. He stated that he would adjourn the meeting in memory of James B. Gordon, Jr. who

recently passed away. Mr. Gordon served on the City Council and Planning Commission from 1978 to 1980. He offered his condolences to the Gordon family.

The council members offered thanks and condolences to the Gordon family and wished everyone a Merry Christmas and a safe and prosperous new year.

Vice Mayor Freitas stated that Alameda County Transportation Commission Executive Director Arthur Dao retired. Tess Lengyel was appointed as the new executive director. She would like to make a presentation to the City Council next year. Vice Mayor Freitas asked Public Works Director Fajeau to contact Ms. Lengyel to arrange a tour of Area 4. He also asked that Mr. Fajeau contact the ACTC Chair of the Finance Committee, Scot Haggerty, to discuss Measure B funds regarding the Central overpass and the east-west corridor.

Council Member Collazo stated she enjoyed serving as vice mayor and Council Member Hannon thanked her for her service.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Deputy City Clerk Slafter read the Register of Audited Demands: Check numbers 119454 to 119704.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:45 p.m. in memory of James B. Gordon, Jr.

KATHLEEN L. SLAFTER
Deputy City Clerk