



CITY OF NEWARK CITY COUNCIL

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

**Various Virtual
Teleconference Locations
7:30 p.m.**

Minutes

Thursday, June 25, 2020

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meetings of June 11 and June 16, 2020. **MOTION APPROVED**

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 Police Officers Kailey Peterson, John Kapu, and Dispatcher Justine Maes.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 1. **RESOLUTION NO. 11068**

City Manager Benoun stated that due to property ownership within Landscaping and Lighting Districts 10 and 11, Council Member Collazo will recuse from public hearings E.12 and E.13 and he will recuse from hearing E.13. He suggested that the City Council consider public hearings E.1-E.11 concurrently. The City Council agreed with this suggestion. He gave the staff report recommending approval.

At 7:46 p.m. Mayor Nagy opened public hearings E.1 through E.11 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

No one requested to speak.

At 7:47 p.m. Mayor Nagy closed public hearings E.1 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

Council Member Freitas moved, Council Member Collazo 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 2020-2021 fiscal year. The motion passed, 5 AYES.

- E.2 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 2. RESOLUTION NO. 11069**
- E.3 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 4. RESOLUTION NO. 11070**
- E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 6. RESOLUTION NO. 11071**
- E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7. RESOLUTION NO. 11072**
- E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13. RESOLUTION NO. 11073**
- E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15. RESOLUTION NO. 11074**
- E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16. RESOLUTION NO. 11075**
- E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17. RESOLUTION NO. 11076**

- E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 18. RESOLUTION NO. 11077**
- E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 19. RESOLUTION NO. 11078**
- E.12 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10. RESOLUTION NO. 11079**

Council Member Collazo and City Manager Benoun each announced that they would recuse from the next two public hearings due to property ownership conflicts of interest. City Clerk Harrington placed them on hold, disabling their audio and video access.

Public Works Director Fajeau gave the staff report recommending approval.

At 7:52 p.m. Mayor Nagy opened public hearings E.12 through E.13 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one requested to speak.

At 7:53 p.m. Mayor Nagy closed public hearings E.12 through E.12, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Bucci 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 2020-2021 fiscal year. The motion passed, 4 AYES, 1 RECUSED (Collazo).

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

- E.13 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11. RESOLUTION NO. 11080**

F. CITY MANAGER REPORTS

Council Member Hannon requested the removal of F.10 for separate consideration.

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.9 and F.11 through F.13, 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 Authorization for the City Manager to sign Task Order No. 21 to the Joint Powers Agreement with the City of Fremont for Case Management services.**
RESOLUTION NO. 11081
CONTRACT NO. 09044
- F.2 Authorization for the City Manager to execute Task Order No. 22 to the Joint Powers Agreement with the City of Fremont for Paratransit Service.**
RESOLUTION NO. 11082
CONTRACT NO. 09044
- F.3 Authorization for the City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda.** **RESOLUTION NO. 11083**
CONTRACT NO. 20035
- F.4 Calling and giving notice of the holding of a General Municipal Election on Tuesday, November 3, 2020, for the election of certain officers of the City of Newark.**
MOTION APPROVED Candidate Statement
RESOLUTION NO.11084
- F.5 Approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2020-2021 Project List.** **RESOLUTION NO. 11085**
- F.6 Authorizing Application for, and, subject to subsequent City Council approval, receipt of Local Early Action Planning (LEAP) Grant Program Funds for future updates to the Housing Element.** **RESOLUTION NO. 11086**
- F.7 Authorization for the City Manager to execute an agreement with the County of Alameda for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program for fiscal year 2020-2021.**
RESOLUTION NO. 11087
CONTRACT NO. 20036
- F.8 Establishment of the Fiscal Year 2020-2021 Tax Appropriations Limit .**
RESOLUTION NO. 11088
- F.9 Approval of Contractual Services Agreements with Cotton Shires and Associates, Inc. and Geocon Consultants, Inc. for geotechnical engineering and peer review services; Consolidated Engineering Laboratories for materials testing services; GHD and Fehr & Peers for traffic engineering and transportation planning services; and Cal West Lighting & Signal**

Maintenance, Inc. and Bear Electrical Solutions, Inc. for traffic signal and street light maintenance.
RESOLUTION NO. 11089
CONTRACT NOS. 20037 - 20043

F.11 Authorization to accept an Emergency Response to Interpersonal Violence 2020 Pandemic Program Grant from Children’s Advocacy Centers of California (CACC), for the City Manager to execute the Program Certification Form, and 2018-2020 Biennial Budget amendment. **RESOLUTION NO. 11090**

F.12 Second reading and adoption of an ordinance amending Section 2.12.020 “Qualifications” of the Newark Municipal Code by removing voter registration requirements for Planning Commissioners.
ORDINANCE NO. 521

F.13 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2019-20 for General Revisions and Operating Increases.
RESOLUTION NO. 11091

NONCONSENT

F.10 Acceptance of work with Bay Construction Co. for Newark Community Dog Park, Project No. 1208. **RESOLUTION NO. 11092**

Council Member Hannon stated that the Dog Park was open and complimented staff.

No one requested to speak.

Council Member Hannon moved, Council Member Freitas seconded, by resolution, accept the work with Bay Construction Co. for Newark Community Dog Park, Project No. 1208. The motion passed, 5 AYES.

F.14 Approving and Authorizing the City Manager to execute Side Letters with the Newark Association of Miscellaneous Employees (NAME), Newark Police Association (NPA), and Newark Police Management Association (NPMA) and to execute a modification to the Compensation and Benefit Plan for the Confidential Group and make other corresponding adjustments.
RESOLUTION NO. 11093 NAME
RESOLUTION NO. 11094 NPA
RESOLUTION NO. 11095 NPMA
RESOLUTION NO. 11096 Confidential Group

Assistant City Manager Hovorka reviewed the meetings with the employee groups that resulted in the groups forgoing the scheduled 1.5% salary increase. She thanked the employees, noting that the concessions would save the City \$641,000.

No one requested to speak.

Mayor Nagy thanked staff.

Council Member Collazo moved, Council Member Bucci seconded to by resolutions, approve and authorize the City Manager to execute the Side Letter Agreements with NAME, NPA, and NPMA and execute a modification to the Compensation and Benefit Plan for the Confidential Employee Group and make other corresponding adjustments. The motion passed, 5 AYES.

F.15 Approving and Authorizing the City Manager to execute a Compensation and Benefit Plan Modification for Compensation and Benefit Plan for the City Officials and the Management, Supervisory, and Professional Employee Group and Approving and Authorizing modification to City Manager's compensation to eliminate scheduled compensation adjustment as a result of changed conditions due to the COVID-19 Pandemic. RESOLUTION NO. 11097

Interim City Attorney Kokotaylo stated that the scheduled 1.5% salary increase for the City Officials and the Management, Supervisory, and Professional Employee Group would also be eliminated.

No one requested to speak.

Council Member Bucci moved, Council Member Freitas seconded to by resolution, approve and authorize the City Manager to execute the compensation and benefit plan modification for employees subject to the Compensation and Benefit Plan for the City Officials and the Management, Supervisory, and Professional Employee Group to eliminate the 1.5% total compensation and salary range increase of 1.5% scheduled for July 1, 2020 and to eliminate the 1.5% total compensation and salary range increase scheduled for July 1, 2020 for the City Manager. The motion passed, 5 AYES.

F.16 Adoption of 2020-2022 Biennial Budget and Capital Improvement Plan. RESOLUTION NO. 11098

Council Member Collazo announced that she would recuse from consideration of the Old Town Priority Development Area (PDA) Streetscape Improvements Project of the Capital Improvement Plan due to property ownership conflict of interest. City Clerk Harrington placed her on hold, disabling her audio and video access.

City Manager Benoun stated that the project would design street signs, lighting, benches, art, and gateway features. Gas tax funds of \$500,000 would fund the project.

No one requested to speak.

Council Member Hannon moved, Council Member Bucci seconded to approve the Old Town Priority Development Area (PDA) Streetscape Improvements Project as shown in the Capital Improvement Plan on page 227. The motion passed, 4 AYES, 1 RECUSED.

Council Member Collazo rejoined the meeting.

City Manager Benoun stated that the budget was balanced with \$6.3 million in reductions. The reductions include the elimination of non-essential positions, non-essential travel and training, reduction in contractual services and supplies, and labor concessions. There will be service impacts as a result of the reductions.

No one from the public requested to speak.

Council Member Hannon requested that future Capital Improvement plans include the estimated start and finish date for the projects.

In response to the City Manager stating that the City may be eligible for \$600,000 in CARES funding, Council Member Hannon requested that staff bring to Council recommendations on how to use the funding.

Council Member Hannon stated that staff may need to prepare additional reduction recommendations if the Utility Users Tax extension does not pass in November. The impact of those additional reductions will need to be communicated to the community.

Council Member Bucci moved, Council Member Collazo seconded to by resolution, adopt a budget and a capital improvement plan for the City of Newark for Fiscal Years 2020-2021 and 2021-2022 and providing for the post-auditing of paid demands certified or approved as confirming to such approved budget. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated that the Fireworks hotline was activated early this year due to the increase of illegal fireworks in the community and throughout the State.

Council Member Hannon thanked his wife, Kathy, noting it was their 42nd wedding anniversary.

Council Member Bucci congratulated the Hannon's on their anniversary. He stated that the sale of Safe and Sane Fireworks are an important fundraiser for local nonprofits. He hoped that the increase in illegal fireworks did not put that in jeopardy.

Council Member Collazo reviewed the history of the Pledge of Allegiance. She shared racist comments that have been made towards her and stated that the City of Newark has no room for racism. She stated to shop Newark for fireworks.

Council Member Freitas thanked Police Chief Anderson and welcomed the new Police Department employees. He stated that he received compliments from the public on Community Development Director Turner's Census presentation at the last City Council meeting.

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

K. ORAL COMMUNICATIONS

No one requested to speak.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 121277 through 121482.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:37 p.m.

SHEILA HARRINGTON
City Clerk