



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, December 14, 2023

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:04 p.m. Vice Mayor Collazo, Council Members Bucci, Freitas, and Jorgens were present.

Mayor Hannon shared the unfortunate news that Street Maintenance Worker Luis Bailon unexpectedly passed away on November 16, 2023, and asked for a moment of silence in his memory.

B. PRESENTATIONS

1. Commending Beverly Ryans on her retirement

Mayor Hannon presented Administrative Support Specialist II Beverly Ryans with a commendation on her retirement after 21 years of service.

2. Introduction of employee(s)

Mayor Hannon introduced new police officers Michael Orozco, Taryn Stevenson, Christian Lara, and Vincent Townsend.

3. Commending the Lee family

Mayor Hannon presented the Lee family, owners of The Jade Palace restaurant, with a commendation for their retirement after 54 years of business in Newark.

4. Adopt a resolution confirming the Mayor's appointment to the Planning Commission and administration of the Oath of Office

Mayor Hannon appointed Julie Del Catancio to serve on the Planning Commission.

No one requested to speak.

Council Member Bucci moved, Council Member Freitas seconded, to approve a resolution confirming the appointment of Julie Del Catancio to the Planning Commission, and that reading of the title suffices for adoption. The motion passed, 5 AYES.

RESOLUTION NO. 11591

The Oath of Office was administered.

C. PUBLIC COMMENT

Caroline Harris, Tri City Ecology Center; Jasper Jackson, Newark resident; and Liz Ames, Tri City Ecology Center and BART Director, spoke in opposition to the Mowry Village Project.

D. CONSENT CALENDAR

Council Member Bucci requested the removal of Item D.15, Vice Mayor Collazo requested the removal of Item D.12, and Mayor Hannon requested the removal of D.9.

Vice Mayor Collazo moved, Council Member Jorgens seconded, to approve Consent Calendar Items D.1 through D.15, excluding D.9, D.12 and D.15, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of November 9, 2023, minutes
3. Motion approving the 2024 Local Appointments List and distribution
4. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with MNS Engineers, Inc., for Construction Management Services for Central Avenue Overpass, Project 1014 and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
RESOLUTION NO. 11592
CONTRACT NO. C23089

5. Adopt a resolution to approve an agreement with Forensic Logic LLC, a SoundThinking Company for CrimeTracer software, and approve an amendment to the 2022-2024 Biennial budget and Capital Improvement Plan for Fiscal Year 2024
RESOLUTION NO. 11593
CONTRACT NO. C23090

6. Adopt a resolution approving the Second Amendment to the Contractual Services Agreement with ClientFirst Consulting Group, LLC for technology consulting services
RESOLUTION NO. 11594
CONTRACT NO. C22012

7. Adopt a resolution approving Amendment No. 2 to the Contractual Services Agreement with West Coast Arborists, Inc. for tree maintenance services
RESOLUTION NO. 11595
CONTRACT NO. C19016

8. Adopt a resolution approving a side letter agreement to the Memorandum of Understanding between the City of Newark and the Newark Police Management Association to provide for compensation to Police Lieutenants for certain overtime work associated with the Selective Traffic Enforcement Program grant
RESOLUTION NO. 11596

9. Pulled - Adopt a resolution to accept the Annual and Five-Year Mitigation Fee Report for fiscal year ended June 30, 2,023, and approve findings for each development impact fee that the City of Newark imposes on development projects

10. Adopt a resolution approving a side letter with the Newark Police Association to provide temporary benefits relating to the temporary critical staffing schedule; and approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan
RESOLUTION NO. 11597
CONTRACT NO.

11. Adopt a resolution authorizing the deletion of one full-time equivalent Lead Public Safety Dispatcher and the addition of one full-time equivalent Public Safety Dispatch Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; amending Resolution No. 2505, Employee Classification Plan to include the Public Safety Dispatch Supervisor classification; approving a Side Letter with the Newark Police Association (NPA) to add the classification of Public Safety Dispatch Supervisor and assign salary steps; and approve an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5
RESOLUTION NO. 11598

12. Pulled - Adopt a resolution approving a Contractual Services Agreement with ICS Integrated Communication Systems for audio/video equipment and services and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan
13. Adopt a resolution authorizing the purchase of two dump trucks for the Public Works Department Maintenance Division directly from an auto dealership and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
RESOLUTION NO. 11599
14. Adopt a resolution authorizing the City Manager to execute the second amendment to the Contractual Services Agreements with Community Planning Collaborative and authorizing amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to provide funding for consultant services related to the 2023-2031 Housing Element
RESOLUTION NO. 11600
CONTRACT NO. C22011
15. Pulled – Adopt a resolution approving reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District

NON CONSENT

15. Adopt a resolution approving reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District

No one from the public requested to speak.

Council Member Bucci stated that Eric Hentschke has done an outstanding job for the City of Newark and thanked him for his service.

Council Member Bucci moved, Mayor Hannon seconded, to adopt a resolution approving reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District, and that reading of the title suffices for adoption. The motion passed, 5 AYES.
RESOLUTION NO. 11601

12. Adopt a resolution approving a Contractual Services Agreement with ICS Integrated Communication Systems for audio/video equipment and services and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan

Vice Mayor Collazo stated that she hoped the updated AV equipment would resolve the sound system issues in the Council Chambers.

No one from the public requested to speak.

Vice Mayor Collazo moved, Council Member Freitas seconded to adopt the resolution approving a Contractual Services Agreement with ICS Integrated Communication Systems for audio/video equipment and services and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan and that reading of the title suffices for adoption. The motion passed, 5 AYES.

RESOLUTION NO. 11602

CONTRACT NO. C23091

9. Adopt a resolution to accept the Annual and Five-Year Mitigation Fee Report for fiscal year ended June 30, 2,023, and approve findings for each development impact fee that the City of Newark imposes on development projects

Mayor Hannon complimented City staff on their reporting of dispersion of funds in compliance with state law.

No one from the public requested to speak.

Vice Mayor Collazo moved, Council Member Bucci seconded, to adopt a resolution to accept the Annual and Five-Year Mitigation Fee Report for fiscal year ended June 30, 2023, and approve findings for each development impact fee that the City of Newark imposes on development projects and that reading of the title suffices for adoption. The motion passed, 5 AYES.

RESOLUTION NO. 11603

E. PUBLIC HEARINGS

1. Public Hearing to consider introducing an ordinance adding Chapter 17.15 to the Newark Municipal Code to establish the By Right Housing (-BRH) Overlay District, amending the Newark Zoning Map by applying the -BRH Overlay District to specific parcels, and making related miscellaneous amendments to Title 17, Zoning, of the Newark Municipal Code
INTRODUCTION OF ORDINANCE

Vice Mayor Collazo stated she would need to recuse herself due to real property, business interests, and source of income in Mexico Tortilla Factory at 7015 Thornton Avenue and rental properties at 7155, 7167, 7179 Thornton Avenue and 36805 Magnolia Street.

Vice Mayor Collazo exited the City Council Chambers.

Council Member Freitas stated he would need to recuse himself due to real property/business interests in 37220 Magnolia Street.

Council Member Freitas exited the City Council Chambers.

City Manager Benoun stated that after the agenda was posted the need for some last-minute additions came to staff's attention. The City Council received a memo prior to the meeting outlining these additions, and Community Development Director Turner would include them in his presentation.

Community Development Director Turner gave the staff report and Planning Commission's recommendation for the By Right Housing Overlay District and Parcel Rezoning which included an overview of the Housing Element, "By-Right" Housing Requirements, sites proposed for rezoning, zoning ordinance amendments, Findings/Notice/Environmental Review.

In response to Mayor Hannon's question, Community Development Director Turner stated that next year staff would be bringing forth another project to look into an inclusionary housing requirement. At that time the City Council could consider additional percentages of affordable housing requirements or their affordability levels.

Mayor Hannon requested that staff remind the City Council they may want to revisit the ratios.

Mayor Hannon opened the public hearing at 7:48 pm. There was no public comment. Mayor Hannon closed the public hearing at 7:48 pm.

Council Member Bucci moved, Council Member Jorgens seconded, to introduce an ordinance adding Chapter 17.15 to the Newark Municipal Code to establish the By Right Housing (-BRH) Overlay District, amending the Newark Zoning Map by applying the -BRH Overlay District to specific parcels, and making related miscellaneous amendments to Title 17, Zoning, of the Newark Municipal Code and to amend the ordinance as follows: 1) In the proposed Chapter 17.15 revise "District" to "Zoning District" throughout the Proposed chapter, and 2) In the proposed Chapter 17.15.020, the reference to "-AH" should be revised to "-BRH". The motion passed, 3 AYES, 2 RECUSED (Collazo/Freitas).

Vice Mayor Collazo and Council Member Freitas returned to the City Council Chambers.

F. OTHER BUSINESS

1. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement, in a form approved by the City Attorney, with Ascent Environmental, Inc. for an update to the City's Climate Action Plan and amend the 2022-2024 Biennial Budget and Capital Improvement Plan
RESOLUTION NO. 11604
CONTRACT NO. C23092

City Manager Benoun stated the City's Climate Action Plan was created over 10 years ago. Circumstances and state law have changed since then, and it is time for an update.

Environmental Services Manager Scanlin gave the staff report recommending adopting a resolution authorizing the City Manager to execute an agreement with Ascent Environmental, Inc. to assist with an update to the City's Climate Action Plan and amend the 2022-2024 Biennial Budget and Capital Improvement Plan.

There was no public comment.

The City Council questioned if the City of Newark was behind in reaching the state targets for greenhouse gas emissions reduction to 1990 levels and commented on the impact of zoning decisions on greenhouse gas reduction, sea level rise, and possibly transitioning over to renewable energy for commercial and industrial use.

Vice Mayor Collazo moved, Council Member Jorgens seconded, to adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Ascent Environmental, Inc. for an update to the City's Climate Action Plan and amend the 2022-2024 Biennial Budget and Capital Improvement Plan and that reading of the title suffices for adoption. The motion passed, 5 AYES.

2. Adopt a resolution to approve an exception to the 180-Day waiting period for post-retirement employment and approve an employment agreement with Gina Anderson to serve as Interim Police Chief pursuant to Government Code sections 7522.56 and 21221(h)
RESOLUTION NO. 11605

City Manager Benoun gave the staff report. After the agenda was posted CalPERS requested certain amendments be made to the resolution. The City Council received a memo before the meeting explaining that CalPERS requested that the proposed resolution include two additional items: 1) The start date for Chief Anderson to serve as the Newark Police Chief to be December 30, 2023, and 2) The end date for the interim appointment to be July 19, 2024, in case the recruitment went longer than anticipated.

There was no public comment.

Council Member Freitas moved, Council Member Bucci seconded, to adopt a resolution to approve an exception to the 180-Day waiting period for post-retirement employment and approve an employment agreement with Gina Anderson to serve as Interim Police Chief pursuant to Government Code sections 7522.56 and 21221(h), to amend the resolution to include the start date for Chief Anderson to serve as the Newark Police Chief to be December 30, 2023, and the end date for the interim appointment to be July 19, 2024, and that reading of the title suffices for adoption. The motion passed, 5 AYES.

G. CITY COUNCIL MATTERS

1. Approval of motion appointing Vice Mayor and resolution authorizing the Vice Mayor to execute financial documents
RESOLUTION NO. 11606

Mayor Hannon announced the appointment of Council Member Freitas as vice mayor. Council Member Freitas accepted the appointment.

Council Member Bucci moved, Vice Mayor Collazo seconded, to approve the motion appointing the Vice Mayor and the resolution authorizing the Vice Mayor to execute financial documents and that reading of the title suffices for adoption. The motion passed, 5 AYES.

2. Adopt a resolution confirming the Mayor's appointments to various agencies, boards, commissions, and committees
RESOLUTION NO. 11607

None of the City Council Members requested changes the assignments.

Council Member Collazo moved, Council Member Bucci seconded, to approve the resolution confirming the Mayor's appointments to various agencies, boards, commissions, and committees and that reading of the title suffices for adoption. The motion passed, 5 AYES.

Council Member Bucci thanked Recreation staff for another great tree-lighting event. He congratulated City Attorney Kokotaylo on the birth of his daughter and wished everyone happy holidays.

Council Member Collazo stated that she enjoyed serving as vice mayor this past year. She mentioned the recent library report and congratulated Newark Library Branch Manager Joe Stoner for the various projects and activities he provides for children. She wished everyone happy holidays and a very prosperous, happy, and healthy new year. Shop Newark!. Stay safe, and Feliz Navidad!

Council Member Jorgens also thanked Recreation staff. The tree lighting was fantastic and a terrific way to start the holiday season. He wished everyone happy holidays and encouraged all that are able to find opportunities to give back to the community during the holiday season.

Vice Mayor Freitas also thanked Recreation staff. He wished Beverly Ryans and Police Chief Anderson a happy retirement. He thanked Eric Hentschke for his service and is looking forward to working with him during his next term. Vice Mayor Freitas commented that the recent library report was very impressive and praised Library Branch Manager Joe Stoner. He wished the City Council and their families, City staff and the community happy and safe holidays.

Mayor Hannon stated that he would adjourn the meeting in honor of former Luis Bailon; Fremont Mayor Gus Morrison; long-time Newark resident Camilla Chinn; CERT volunteer Bob Hastings; and long-time resident Richard Durand.

Vice Mayor Freitas congratulated Mayor Hannon on his choice for planning commissioner.

Council Members expressed their condolences to the families.

Mayor Hannon thanked City Manager Benoun and City staff for the successful tree-lighting event. He thanked Chief Anderson and the Police Department for their service to. He wished everyone a safe, happy, and healthy holiday season and a happy new year.

H. CITY MANAGER UPDATES

City Manager Benoun thanked the City Council for their positive comments on the Tree Lighting event and would convey them to staff.

The Newark Police Department is hosting a toy drive to benefit children and families of CALICO (Child Abuse Listening Interviewing and Coordination Center) and SAVE (Safe Alternatives to Violent Environments).

The Alameda County Fire Department is also hosting a holiday toy drive on December 16.

Mayor Hannon stated that the Newark Symphonic Winds will be doing their annual Christmas show at Newark Memorial High School on December 16.

The Newark Memorial High School band choir will have their Christmas concert Friday, December 15 at the high school.

Mayor Hannon encouraged support of these local events.

I. CLOSED SESSION

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 8:40 p.m. in memory of Gus Morrison, Camilla Chinn, Bob Hastings, Luis Bailon, and Richard Durand.

Kathleen L. Slafter
Deputy City Clerk