



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, June 27, 2024
7:00 P.M.

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:15 p.m. Vice Mayor Freitas and Council Member Jorgens were present.

City Attorney Kokotaylo announced that Council Member Collazo requested to participate in the meeting remotely based on an emergency medical need. Per Assembly Bill 2449 the City Council would need to vote on whether to allow Council Member Collazo to participate in the meeting.

Vice Mayor Freitas moved, Council Member Jorgens seconded to allow Council Member Collazo to participate in the meeting via Zoom. The motion passed, 3 AYES.

Council Member Collazo joined the meeting via Zoom.

Mayor Hannon announced that because Council Member Collazo was attending the meeting via Zoom, the webinar would be activated to allow the public to participate via Zoom.

Mayor Hannon announced that Council Member Bucci resigned from the City Council and that the City Council voted at a special meeting to open an application period from June 28 to July 7 for the vacancy until the election. The Council will meet on July 8th to consider the applications.

Mayor Hannon announced that he would consider item F.1 first to allow Council Member Collazo to participate in the decision-making process.

- F.1 Consider for adoption a resolution calling an election to be held on November 5, 2024, for voter consideration of a ballot measure seeking voter authorization to amend Municipal Code Chapter 3.16 to increase the City's existing transient occupancy (hotel) tax; establishing policies and procedures in connection with such an election; requesting the Board of Supervisors of the County of Alameda to consolidate the general municipal election with the general election to be held on November 5, 2024; requesting certain services of the Registrar of Voters of Alameda County with respect to the consolidated general municipal election; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis
Resolution No. 11650

City Manager Benoun stated that the City has a 10% Transient Occupancy (Hotel) Tax, that provides funding for services. He stated that funding was needed for the replacement of fire stations, maintenance needs, and to implement the various Master Plans. If a 4% hotel tax increase was approved by the voters, it would increase the tax by \$2.1 million annually. He reviewed the steps to place this proposed increase on the November 5, 2024 election. Presentation on file with the City Clerk.

No one from the public requested to speak

Council Member Collazo stated this tax would only apply to visitors using Newark hotels.

City Manager Benoun stated that due to technical issues, the clean version of the proposed ordinance was included in the packet and the proposed redlines ordinance should be included in the motion.

Council Member Jorgens moved, Council Member Collazo seconded to Call an Election To Be Held On November 5, 2024, For Voter Consideration Of A Ballot Measure Seeking Voter Authorization To Amend Municipal Code Chapter 3.16 To Increase The City's Existing Transient Occupancy (Hotel) Tax; Establishing Policies And Procedures In Connection With Such An Election; Requesting The Board Of Supervisors Of The County Of Alameda To Consolidate The General Municipal Election With The General Election To Be Held On November 5, 2024;

Requesting Certain Services Of The Registrar Of Voters Of Alameda County With Respect To The Consolidated General Municipal Election; And Providing For Submittal Of Ballot Arguments And Rebuttals And Authorizing The Filing Of An Impartial Analysis, with the redlined version of the ordinance. The motion passed, 4 AYES.

Council Member Collazo thanked everyone for their well wishes. She wished everyone a safe and happy Fourth of July. Shop Newark.

Council Member Collazo exited the meeting at 7:42 pm.

B. PRESENTATIONS

1. Introduction of employee(s)

Mayor Hannon introduced: Police Officer Lor, Administrative Support Specialist II Coulthard, Building Maintenance Mechanic I Thomas, General Laborer Manukia, Landscape and Parks Maintenance I Ruiz, and General Laborer Ayala.

C. PUBLIC COMMENT

Fario Martinez requested that the City Council ban all flavored tobacco products, and make tobacco products more expensive to discourage use.

City Manager Benoun stated that staff will have a recommendation for the City Council in September.

D. CONSENT CALENDAR

City Manager Benoun requested the removal of D. 15 from the agenda due to a lack of quorum to consider the item.

Vice Mayor Freitas moved, Council Member Jorgens seconded, to approve Consent Calendar items D.1 to D.14 and D.16, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 3 AYES, 1 ABSENT.

1. Approval of Audited Demands
2. Approval of June 13, 2024, minutes
3. Adopt a resolution calling and giving notice of the holding of a General Municipal Election on Tuesday, November 5, 2024, for the election of certain officers of the City of Newark
Resolution No. 11651
4. Adopt a resolution amending the Personnel Rules and Regulations and introduction by title only of an ordinance amending Newark Municipal Code Chapter 2.28, "Personnel System"
Resolution No. 11652
Ordinance Introduced
5. Adopt a resolution authorizing the City Manager to execute Contractual Service Agreements for Geotechnical Engineering and Peer Review Services, Materials Testing Services, Traffic Signal and Street Light Maintenance Services, and Traffic Engineering and Transportation Planning Services with the following consultants: Cotton, Shires and Associates, Inc.; Geocon Consultants, Inc.; Construction Testing Services, Inc.; Cal-West Lighting and Signal Maintenance, Inc.; St. Francis Electric, LLC; Fehr and Peers; GHD, Inc.; and Kimley-Horn and Associates, Inc.
Resolution No. 11653
Contract Nos. 24052-24060
6. Adopt a resolution awarding a contract for the Base Bid and Additive Alternate Bids No. 1, No. 2, No. 3, and No. 4 to G. Bortolotto & Company, Inc. for 2024 Asphalt Concrete Street Overlay Program, Project 1344
Resolution No. 11654
Contract No. 24064
7. Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2024-2025
Resolution No. 11655
Contract No. 24065

8. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with West Coast Arborists, Inc. for ongoing maintenance services of City trees located in parks, streets and City-owned properties
Resolution No. 11656
Contract No. 24066
9. Adoption of a resolution authorizing the City Manager to execute Amendment No. 1 to the Contractual Services Agreement with Universal Building Services and Supply Company for janitorial services for City buildings
Resolution No. 11657
Contract No. 22067
10. Adopt a resolution authorizing the City Manager to execute the first amendment to the agreement with Alameda County for participation in the Alameda County Urban County
Resolution No. 11658
Contract No. 23040
11. Adopt a resolution authorizing the City Attorney to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda
Resolution No. 11659
Contract No. 24067
12. Adopt a resolution declaring that there is no need for the Successor Agency to the Redevelopment Agency to function in the community and requesting that the Alameda County Oversight Board approve the dissolution of the Successor Agency
Resolution No. 11660
13. Year-End Budget Review and Adoption of a Resolution Amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11661
14. Adopt a resolution approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2025 Project List
Resolution No. 11662

15. Pulled from agenda Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement with the Alameda County Water District for water main design and construction associated with the Old Town Streetscape Improvements, Project 1258
16. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Cumming Management Group, Inc., for Construction Management Services for Newark Resource Center, Project 1360
Resolution No. 11663
Contract No. 24068

E. PUBLIC HEARINGS

1. Public hearing to consider adoption of a resolution approving amendments to the Master Fee Schedule for Fiscal Year 2025
Resolution No. 11664

Senior Planner Lopez stated that the City's development impact fees adjustments are on an annual basis based on the Engineering News Record Construction Cost Index for San Francisco. Based on the May 2024 Index, the development impact fees must be decreased by 1.1%.

Mayor Hannon opened the public hearing at 8:04 p.m.

No one requested to speak.

Mayor Hannon closed the public hearing at 8:05 p.m.

Moved by Council Member Jorgens, seconded by Mayor Hannon, to adopt the resolution. The motion passed 3 AYES, 1 ABSENT.

2. Adopt a resolution approving the 2024-2026 Biennial Budget and Capital Improvement Plan
Resolution No. 11665

Finance Director Lee gave the staff report recommending approval. She

highlighted specific edits that were made to the Biennial Budget document at the request of the City Council. The presentation is on file with the City Clerk.

Mayor Hannon opened the public hearing at 8:15 p.m.

No one requested to speak.

Mayor Hannon closed the public hearing at 8:16 p.m.

Moved by Council Member Jorgens, seconded by Vice Mayor Freitas to adopt the resolution. The motion passed 3 AYES, 1 ABSENT

Mayor Hannon called for a recess at 8:17 p.m. The meeting resumed at 8:25 p.m.

3. Public Hearing and Introduce By Title Only an Ordinance Approving and Re Adopting a Military Equipment Use Policy as Stated in Chapter 2.50, "Military Equipment Use Policy" to Title 2. "Administration and Personnel" of the Newark Municipal Code in compliance with Assembly Bill 481
Ordinance Introduced

Police Lieutenant Simon stated that Assembly Bill 481 requires the Police Department to provide a Military Equipment annual report and for the City Council to vote on the renewal annually. He gave the annual presentation. Presentation on file with City Clerk

Mayor Hannon opened the public hearing at 8:31 p.m.

No one requested to speak.

Mayor Hannon closed the public hearing at 8:32 p.m.

Mayor Hannon moved, Council Member Jorgens seconded to introduce the Ordinance. The motion passed, 3 AYES, 1 ABSENT

F. OTHER BUSINESS

1. Consider for adoption a resolution calling an election to be held on November 5, 2024, for voter consideration of a ballot measure seeking voter authorization to amend Municipal Code Chapter 3.16 to increase the City's existing transient occupancy (hotel) tax; establishing policies and procedures in connection with such an election; requesting the Board of Supervisors of the County of Alameda to consolidate the general municipal election with the general election to be held on November 5, 2024; requesting certain services of the Registrar of Voters of Alameda County with respect to the consolidated general municipal election; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis

Considered out of order earlier in the agenda.

2. Presentation of final designs for Citywide Parks Signage Program, Project 1272

Junior Engineer Reyes shared the revised citywide parks signage design based on the City Council's comments at the previous meeting with the placement of the city logo, the enlarged font for "City of Newark", and the incorporation date of the park. She also shared the consultants revised design with the city logo in Blue in the concrete base. Presentation on file with the City Clerk

The City Council discussed the revised designs.

In response to Vice Mayor Freitas, Dickson Kaiser, GNU Group stated that with proper care, the sign color should be durable.

Jason Miguel asked if the City considered using local artists to create designs that would deter graffiti.

Mayor Hannon stated that the City Council was seeking uniformity in the park signs.

Mayor Hannon moved, Council Member Jorgens seconded to approve the consultants recommended design. The motion passed, 3 AYES, 1 ABSENT.

In response to City Council requests, City Manager Benoun stated the placement of the signs, the proposed text for the history of the parks, and park

names could be considered in the Fall.

G. CITY COUNCIL MATTERS

Council Member Jorgens requested public comment on the City's Active Transportation Plan on the city website. He stated this was a sad day with Council Member Bucci's resignation and he thought the City Council was better with him on it.

Vice Mayor Freitas stated that he was happy to see Council Member Collazo on Zoom. The design for the Central Avenue Overpass project update is 90% complete. He complimented the Recreation and Community Services Department for the Juneteenth event. He wished everyone a Safe and Sane Fourth of July.

Mayor Hannon thanked Council Member Bucci for his service to the community.

Mayor Hannon stated that he would adjourn the meeting in memory of Denise Fullerton.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

J. ADJOURNMENT

Mayor Hannon adjourned the meeting, in memory of Denise Fullerton, at 8:59 p.m.

Sheila Harrington
City Clerk