



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org



Minutes

Thursday, September 12, 2024
7:00 P.M.

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:00 p.m. Vice Mayor Freitas, Council Members Collazo, Jorgens, and Apodaca were present.

Mayor Hannon stated that he would adjourn the meeting in memory of State Senator Ellen Corbett. Council Members Apodaca and Collazo shared memories of Ms. Corbett.

B. PRESENTATIONS

1. Proclaiming September 19 - 22, 2024 as Newark Days

Mayor Hannon presented the proclamation to Laurie Gratz and the Newark Days Committee members.

2. Proclaiming September as National Preparedness Month

Mayor Hannon presented the proclamation to Emergency Services Coordinator Martinez, CERT Volunteer Libby, and Newark business members.

3. Proclaiming September as Childhood Cancer Awareness Month

Mayor Hannon presented the proclamation to Angela Crawford with the Jammers Strong Foundation.

Mayor Hannon announced that during the August Recess, he presented a proclamation to Ruth Thompson Orta in honor of her 90th birthday.

C. PUBLIC COMMENT

Andrew Patrick spoke on behalf of the Newark Girls Softball League (NGSL), a volunteer run recreational girls softball league. He stated that they recently learned from the Newark Unified School District that they could no longer use the Snow Elementary School Fields and were asked to contribute \$500,000 for fields at another location. He requested help to identify a home for the league's short and long-term future.

City Manager Benoun stated that state law prohibits the City Council from considering this matter since it is not on the agenda. Assistant City Manager Hovorka and Recreation Director Cuevas will work collaboratively with the various parties to help identify short- and long-term solutions.

Veronica Reyes announced the formation of the Old Town Business Association. She stated that the Association will strengthen the identity of Old Town Newark, organize events, and were seeking volunteers.

Danette Nicholson, unnamed person, Kristy Zulum, and Mark Zulum stated they were volunteers for United Sovereign Americans. They requested a resolution for a valid 2024 election be placed on a future agenda and took turns reading the proposed resolution aloud.

D. CONSENT CALENDAR

Mayor Hannon announced that he would pull D.3 for separate consideration.

Vice Mayor Freitas moved, Council Member Collazo seconded, to approve Consent Calendar items D.1 to D.2 and D.4 to D.6, 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 minutes: June 27 (special and regular meetings), July 8, July 25, and August 5.
3. Pulled - Adopt a resolution accepting work with VSS International, Inc. for FY 2023 Rubberized Cape Seal and Slurry Seal Program, Project 1301
4. Adopt a resolution approving proposed Change Order No. 1 for FY 2023 Asphalt Concrete Street Overlay Program, Project 1300 with G. Bortolotto & Company and approving a budget amendment for reappropriation of funds from FY 2023 Rubberized Cape Seal and Slurry Seal Program, Project 1301 to FY 2023 Asphalt Concrete Street Overlay Program, Project 1300; exempt from CEQA review per CEQA Guidelines Section 15301
Resolution No. 11682
5. Report on administrative actions during August recess
Motion accepted
6. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Art Builds Community for on-call public art consulting services in the amount not to exceed \$135,000 and amend the 2024-2026 Biennial Budget and Capital Improvement Plan to appropriate \$135,000 from the Art in Public Places Fund
Resolution No. 11683
Contract No. 24081

NONCONSENT

- D.3** Adopt a resolution accepting work with VSS International, Inc. for FY 2023 Rubberized Cape Seal and Slurry Seal Program, Project 1301
Resolution No. 11684

Mayor Hannon requested that staff show the before and after pictures of the project and post them to the city website.

Assistant Engineer Carmen presented the pictures from the staff report.

No one from the public requested to speak.

Moved by Mayor Hannon, seconded by Council Member Jorgens to adopt the resolution. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt a resolution approving the 2024 Tri-City Local Hazard Mitigation Plan Update
Resolution No. 11685

Emergency Services Coordinator Martinez gave the report. Presentation on file with the City Clerk.

In response to Council Member Apodaca's comments regarding the Newark Unified School District's lack of response to the Plan Update, Mayor Hannon stated he would bring this up at next the Liaison meeting with the School District to ensure they are a partner.

Chris Morrison, Foster-Morrison, City consultant stated in response to Council Member Collazo's question that dam failures were a low probability event, but a high risk should it occur.

Public Works Director Young responded to Council Member Jorgens' question, that the Central Avenue Overpass project should be completed by the end of 2028.

No one requested to speak.

Moved by Council Member Apodaca, seconded by Council Member Jorgens to adopt the resolution. The motion passed, 5 AYES.

2. Receive a presentation of the draft Facilities Master Plan and provide feedback

Andrea Gifford, Group 4 Architecture gave the presentation. Presentation on file with the City Clerk.

No one requested to speak.

Council Member Apodaca suggested using the Senior Center kitchen for microbusinesses if the Senior Center is ever relocated.

This item was informational only.

3. Resolution Approving an Alternate Means of Compliance for the Lepashki Homes Project
Resolution No. 11686

Council Member Collazo recused due to real property and business conflicts of interest. She exited the City Council Chambers.

Mayor Hannon called for a recess at 9:10 p.m. The meeting resumed at 9:21 p.m.

Deputy Community Development Director Interiano gave the report. Presentation on file with the City Clerk. Lepakshi Homes submitted an application to develop 88 dwelling units and 1,620 square feet of commercial space in two buildings located on Thornton Avenue adjacent to Olive Street and Mulberry Street. The project is in the Old Town Newark Specific Plan Area. The developer requested to provide 13 units to low-income households as an alternative means of compliance to payment of the affordable housing impact fee. An affordable housing regulatory agreement would need to be entered into between the City and Lepakshi Homes.

No one requested to speak.

Council Member Jorgens stated that Homeowner Association (HOA) fees could prevent affordability and hoped some future projects did not include HOAs.

Moved by Council Member Jorgens, seconded by Vice Mayor Freitas to adopt the resolution. The motion passed, 4 AYES, 1 RECUSED.

Council Member Collazo returned to the City Council Chambers.

4. Status of the Newark Climate Action Plan Update project

Environmental Services Manager Scanlin gave the report. Presentation on file with the City Clerk. He stated that a community meeting on Climate Action and Sea Level Rise would be held on September 25, 2024, at the Newark Library beginning at 6 p.m.

No one requested to speak.

Council Member Jorgens stated that when the Active Transportation Plan is reviewed, it needs to take into consideration the needs of the Climate Action Plan.

This item was informational only.

5. Introduction of an Ordinance amending Chapter 2.09 of the Newark Municipal Code ("City Councilmembers-Compensation") to increase the salaries of City Councilmembers and Mayor
Ordinance Introduced

Assistant City Manager Hovorka stated that the City Council previously provided direction for City Staff to prepare an ordinance for a 6 percent salary increase for the Mayor and City Council Members. The salary increase would begin in January 2025.

No one requested to speak.

Moved by Vice Mayor Freitas, seconded by Council Member Collazo, to introduce the ordinance. The motion passed, 5 AYES.

G. CITY MANAGER UPDATES

City Manager Benoun announced that an Emergency Prepared Workshop would be held on September 13, 2024; a Special Needs Silent Splash Swim at the Silliman Center on September 20, 2024; and a community meeting on Climate Action and Sea Level Rise on September 25, 2024, at the Newark Library.

H. CITY COUNCIL MATTERS

Council Member Apodaca stated it was nice to be back.

Council Member Collazo stated she was happy to be back. She and her husband would celebrate their 43rd wedding anniversary and her son's birthday tomorrow. She presented a certificate to Mayor Hannon from Senator Wahab for the Mariachi Festival. Shop Newark.

Council Member Jorgens thanked the members of the public who spoke tonight. Newark Days starts next Thursday.

Vice Mayor Freitas thanked Council Member Apodaca for her service to the city and welcomed Council Member Collazo back. He attended the 9/11 mass. He requested that staff look into why the government flags aren't flying at the Silliman Center and into a complaint that he received from a business that they were red tagged.

In response to Vice Mayor Freitas, Public Works Director Young stated that staff was satisfied with the performance of the new compact street sweeper.

Mayor Hannon recognized Robert Whitlock for his achievements in weightlifting. He attended the Blue Mass yesterday as a reminder of 9/11.

I. CLOSED SESSION

1. Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8)
Property: Stevenson Boulevard, Newark, CA 94560. APNs: 537-850-7-1, 537-850-8, 537-850-10, 537-850-11-3
City Negotiators: David Benoun, Steven Turner and Craig Bettencourt

Negotiating Parties: Seamus O'Connor and David Bider
Under Negotiation: Review of Price and Terms

No one requested to speak.

At 10:17 p.m. the City Council recessed to closed session.

At 10:20 p.m. the City Council convened in closed session.

At 11:20 p.m. the City Council reconvened in open session with all Council Members present.

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 11:20 p.m. in memory of State Senator Ellen Corbett.

Sheila Harrington, City Clerk