



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, November 10, 2016

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, October 27, 2016. MOTION

Council Member Hannon moved, Council Member Collazo seconded, to approve the Minutes of the special and regular City Council meetings. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Presentation from the Alameda County Mosquito Abatement District.

District Manager Ryan Clausnitzer and Board Trustee Eric Hentschke provide an update on the District's activities. (Presentation on file with City Clerk.)

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Approval to make a finding that City modifications to the state codes are reasonably necessary because of local climatic, geological, or topographical conditions and hearing to consider amending the 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). MOTION APPROVED

ORDINANCE NO. 494

Chief Building Official/City Architect Collier reviewed the proposed amendments and recommended approving the codes as presented.

Mayor Nagy opened the public hearing at 8:09 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 8:10 p.m.

Vice Mayor Freitas moved, Council Member Bucci seconded to 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

City Manager Becker requested the removal of F.3.

Council Member Hannon moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1, F.2, and 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 Cancellation of the November 24 and December 22, 2016 City Council meetings. MOTION APPROVED**
- F.2 Authorization to amend the 2016-2018 Biennial Budget to provide additional funding for engineering contractual services for Fiscal Year 2016-2017 in the Public Works Department. RESOLUTION NO. 10569**
- F.4 Adopting a Compensation Plan for Certain Positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) Classifications; and Revoking Resolution No. 10,425. RESOLUTION NO. 10570**

NONCONSENT**F.3 Authorization for staff to prepare and submit a Measure D Expenditure Plan and Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Years 2016-2017 and 2017-2018.**

City Manager Becker stated that after the agenda was posted, StopWaste questioned the funding eligibility. Staff will reschedule for a future meeting to allow time to verify the funding eligibility.

F.5 Approval of a Contractual Services Agreement with the EMC Planning Group to conduct the Greater NewPark Area Specific Plan and amendment of the 2016-2018 Biennial Budget for Fiscal Year 2016-2017.

**RESOLUTION NO. 10571
CONTRACT NO. 16050**

Assistant City Manager Grindall stated that a Specific Plan will guide and streamline the development of the Greater NewPark area consisting of NewPark Mall and the surrounding commercial properties.

In response to Council Member Bucci, Assistant City Manager Grindall stated that if development occurred in the area, a fee would be imposed that would reimburse the City for the cost of the preparation of the Specific Plan. Council Member Bucci stated he would like the City to receive interest on that money too.

Council Member Bucci moved, Council Member Collazo seconded to by resolution authorize the Mayor to sign a Contractual Services Agreement with the EMC Planning Group to complete a Specific Plan and Environmental Documentation for the Greater NewPark Area and amending the 2016-2018 Biennial Budget for Fiscal Year 2016-2017. The motion passed, 5 AYES.

F.6 Consideration of Alameda County’s Request that the City of Newark: (1) Introduce an Ordinance Approving the Implementation of a Community Choice Aggregation (“CCA”) for the City of Newark; and (2) Adopt a Resolution Authorizing Formation of and Membership in the “East Bay Community Energy Authority,” a Joint Powers Authority to Govern the Operation of the CCA.

City Manager Becker outlined the history of the proposed countywide Community Choice Aggregation (“CCA”) program, which would offer an alternative energy source to power acquired by PG&E. The technical studies conclude that the program is viable and, if approved, would be able to provide competitive electrical rates.

City Manager Becker reviewed the pros and cons of joining the CCA. He noted that there was a minor amendment to the Joint Powers Agreement (JPA) after the agenda was posted.

The City Council discussed the approval process if there were further changes to the JPA, the marketing campaign to inform the public of the energy provider change, the opt out provisions, the change of leadership in other cities as a result of the election, the voting structure of the JPA and the ability to join the program later if it proved to be viable.

Council Member Hannon was the City's representative on the Steering Committee. He outlined reasons against (focus of committee shifted from lower rates to lower green house gases, the amount of PG&E's Power Charge Indifference Adjustment fee is unknown, larger cities may overrule smaller cities, committee transparency undermined with last minutes changes) and in favor (no financial risk to join, there is a rate savings for the consumer, jobs will be created, green houses gases will be reduced, residents may opt out) of joining the CCA. He recommended that the City join now and could opt out if they did not see the benefits that were expected for the community.

Tim Jones stated that the plan sounded vague and that it did not make sense to rush in. He suggested that the City wait. They could opt in at a later date.

Bruce Jensen, Alameda County stated that the automatic enrollment is required per state law. Consumers will have a chance to opt out for free before and for a limited time after the launch. Opting out later in the process will include a small administrative fee, which he estimated would be around \$5.

Seth Baruch, Alameda County consultant stated that he has not seen much citizen concern in other communities when City Councils have decided to join.

Bruce Jensen mentioned that the 5 cities that elected new leadership have already had the first reading of the ordinance in their cities.

Tim Jones stated that tonight is the first time he has heard about the opt out fee.

Seth Baruch confirmed that if the City joined and after a couple of years opted out, it is possible that the City would have to negotiate an exit cost.

Council Member Hannon moved to: (1) Introduce an Ordinance authorizing the implementation of a Community Choice Aggregation Program ("CCA") for the City of Newark; and (2) Adopt a Resolution approving an agreement to participate in a Joint Powers Agency for a Community Choice Aggregation Program in Alameda County, including the amendment to Section 5.6. There was no second to the motion.

Mayor Nagy announced that because there was no second to the motion, the motion failed.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION**I. CITY COUNCIL MATTERS****I.1 Reappointment of Karen Bridges to the Planning Commission.****RESOLUTION NO. 10572**

Mayor Nagy recommended the reappointment of Karen Bridges to the Newark Planning Commission.

Council Member Collazo moved, Council Member Bucci seconded to, by resolution, approve the reappointment of Karen Bridges to the Newark Planning Commission, for a term to expire on December 31, 2020. The motion passed, 5 AYES.

Mayor Nagy stated that Friday was Veterans Day and he hoped people reflected on their sacrifices. Mayor Nagy thanked everyone who helped towards the passage of that Measure GG.

The entire City Council thanked the community for passing Measure GG and honored the veterans for Veterans Day.

Mayor Nagy thanked Council Member Hannon for his service on the Community Choice Aggregation Steering Committee.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**K. ORAL COMMUNICATIONS**

No one came forward to speak.

L. APPROPRIATIONS**Approval of Audited Demands for the City Council meeting of November 10, 2016. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 109304 to 109429.

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

M. CLOSED SESSION

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: One case – from Human Resources Director Abe and City Attorney Benoun.

At 9:21 p.m. the City Council recessed to a closed session.

At 9:33 p.m. the City Council convened in closed session.

At 9:52 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 9:52 p.m., Council Member Hannon moved, Council Member Bucci seconded to adjourn the City Council meeting. The motion passed, 5 AYES.