



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

AGENDA

Thursday, December 10, 2020

7:00 P.M.

**THIS IS A MEETING BY VIRTUAL TELECONFERENCE ONLY.
THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN.
REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE
MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.**

A. ROLL CALL

B. PRESENTATIONS

- B.1 Declaring the results of the November 3, 2020, General Municipal Election – from City Clerk Harrington. (RESOLUTION)(MOTION)(ORDINANCE)
- B.2 Commending Police Officers Torres and Swadener for their life saving actions.
- B.3 Presentation on the Newark Library.

C. PUBLIC COMMENT

Members of the public are invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff

- D.1 Approval of Register of Audited Demands.

- D.2 Approval of minutes November 12 and November 19, 2020.**
- D.3 Motion accepting the Measure GG Transaction and Use Tax Oversight Committee Annual Report for Fiscal Year 2018-2019 – City Clerk Harrington and Finance Director Lee.**
- D.4 Approval of the 2021 Local Appointments List – from City Clerk Harrington. (MOTIONS-3)**
- D.5 Approval of City Council meeting dates for calendar year 2021 – City Clerk Harrington. (RESOLUTION)**
- D.6 Confirmation of the Continued Existence of a Local Emergency due to COVID-19 – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)**
- D.7 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8387 – Filbert Villas (SRAJ Development, LLC), an 8-lot, 16-unit townhome-style residential subdivision at 37243 and 37257 Filbert Street– from Assistant Engineer Carmen. (RESOLUTION)**
- D.8 Approval of the solid waste collection, recycling, and organics services maximum rates for Calendar Year 2021 with an increase of 2.8% over 2020 – from Public Works Director Fajeau. (RESOLUTION)**
- D.9 Approval of allocation of \$75,000 of Measure B COVID-19 Rapid Response Bicycle and Pedestrian Grant Program funds to the Jarvis Avenue Class II Buffered Bike Lanes, Project No. 1294 – from Assistant City Engineer Imai. (MOTION)**
- D.10 Authorizing the City Manager to Execute the First Amendment to the Contractual Services Agreement with EMC Planning Group Inc. to Provide Environmental and Design Review Services Associated with the Implementation of the NewPark Place Specific Plan – from Community Development Director Turner. (RESOLUTION)**
- D.11 Approving an amendment to the City’s salary schedule 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 the previous resolution – from Assistant City Manager Hovorka. (RESOLUTION)**
- D.12 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2019-2020 in accordance with Government Code Section 66006(b) – from Deputy Community Development Director Interiano. (MOTION)**

E. PUBLIC HEARINGS

F. OTHER BUSINESS

- F.1 Adoption of an Urgency Ordinance of the City of Newark to Establish a Temporary 15% Limit on Third-Party Delivery Fees on Food Delivery Service Providers – from City Manager Benoun, Interim City Attorney Kokotaylo, Community Development Director Turner, and Economic Development Manager Stedler. (URGENCY ORDINANCE-1)**
- F.2 Update on the 2020-2022 Biennial Budget – from City Manager Benoun, Assistant City Manager Hovorka, and Finance Director Lee. (INFORMATIONAL)**
- F.3 Approving and Authorizing the City Manager to execute Side Letters between the City of Newark and the Newark Association of Miscellaneous Employees (NAME), Newark Police Association (NPA), and Newark Police Management Association (NPMA) and to execute Compensation and Benefit Plan Modifications for Employees participating in the Compensation and Benefit Plans for City Officials and the Management, Supervisory and Professional Employee Group and the Confidential Group to provide a one-time opportunity to receive pay for accrued vacation, compensatory time earned, or accrued general leave, as applicable – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTIONS-5)**
- F.4 Authorization for the Mayor to sign a five-year agreement with the Alameda County Fire Department for fire and emergency response services – from City Manager Benoun and Finance Director Lee. (RESOLUTION)**

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

- G.1 Reappointment of Karen Bridges to the Planning Commission – from Mayor Nagy. (RESOLUTION)**
- G.2 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments – from Mayor Nagy. (MOTION)(RESOLUTION)**
- G.3 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTIONS - 2)**

H. CLOSED SESSION

I. ADJOURNMENT

IMPORTANT NOTICE REGARDING CITY COUNCIL MEETING

Due to the COVID-19 pandemic, the City of Newark made changes related to City Council meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Council using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Mayor Nagy, Vice Mayor Freitas, and Council Members Collazo, Hannon, and Bucci will be attending this meeting via teleconference. Teleconference locations are not open to the public. All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Live television broadcast - Comcast Channel 26

Livestream online at- <https://www.newark.org/departments/city-manager-s-office/agendas-minutes/live-streaming-meetings>

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://zoom.us/j/94127366246>

From a telephone dial 1 669 900 9128, Webinar ID **941 2736 6246**.

Provide live, remote public comments, when the Mayor calls for comments. Use the raise your hand feature in Zoom to be called upon by the City Clerk.

For frequently asked Zoom questions, please go to <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> and select the Frequently Asked Questions link.

Submission of Public Comments:

Public comments received by 4:00 p.m. on the Council meeting date will be provided to the City Council and considered before Council action. Comments may be submitted by email to City.clerk@newark.org.

Comments may also be submitted via e-mail to city.clerk@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The City Clerk will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Council meeting and consistent with all applicable laws. Matters brought before the Council that require Council action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:

The agenda packet is available for review at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and will be posted, if time allows, at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting at city.clerk@newark.org or 510-578-4266.